1. Resolution

   Documents: RESOLUTION 13-18-R EASEMENT 10-90 NORTH ISLAND AVENUE (PDF).PDF

2. Resolution

   Documents: RESOLUTION 13-15-16-17 DEDICATIONS HAMLET UNION VANBUREN (PDF).PDF

3. Resolution

   Documents: RESOLUTION 13-14-R BRAEBURN MARSH MAIN (PDF).PDF

4. Resolution

   Documents: RESOLUTION 13-05-R DECLARING SURPLUS VEHICLE (PDF).PDF

5. Ordinance

   Documents: ORDINANCE 13-09 VARIANCE FOR BOUZIDE - 2647 LUSTED LANE (PDF).PDF

6. Supplemental Document

   Documents: FLOOR SEPARATIONS (PDF).PDF

7. Minutes

   Documents: CITY SERVICES DECEMBER 4 2012 MINUTES (PDF).PDF

8. Minutes

   Documents: COMMUNITY DEVELOPMENT COMMITTEE JANUARY 15 2013 MINUTES (PDF).PDF

9. Minutes

   Documents: CITY SERVICES JANUARY 8 2013 MINUTES (PDF).PDF

CITY OF BATAVIA

Date: January 24, 2013

To: City Services Committee

From: Karen R. Young, P.E. – Assistant City Engineer
Engineering Department

Re: **Community Development/City Services Committee Meeting – January 29, 2013**
10-90 N. Island Avenue Easement
- **Resolution 13-18-R –Authorizing Execution of Easement Agreement and Grant of Easement for 10-90 N. Island Avenue**

Attached is Resolution 13-18-R authorizing the Mayor to execute the Easement Agreement and Grant of Easement for 10-90 N. Island Avenue, which is located at the northwest corner of Wilson Street and Island Avenue. This easement area will be utilized as part of the downtown streetscape improvements, which are scheduled to begin this summer. It was determined that this easement would be required at this location in order to increase the sidewalk width within this area and to construct enhancements at this corner. In exchange for this easement, the City will install the streetscape improvements as shown on the attached exhibits.

Please find attached:

- Resolution 13-18-R - Authorizing Execution of Easement Agreement and Grant of Easement for 10-90 N. Island Avenue

Recommended Action:

Staff recommends for the City Services Committee to approve the following:

- Staff recommends approving Authorizing execution of the Easement Agreement and Grant of Easement for 10-90 N. Island Avenue and resolution 13-18-R.

Cc: Noel Basquin, City Engineer

CITY OF BATAVIA, ILLINOIS
RESOLUTION 13-18-R

AUTHORIZING EXECUTION OF EASEMENT AGREEMENT AND GRANT OF EASEMENT FOR 10-90 N. ISLAND AVENUE

WHEREAS, the City is planning to make improvements to interconnect the traffic signals and streetscape improvements on Wilson Street ("Project") that will require use of a portion of property located at 10-90 N. Island Avenue Batavia, IL, (the "Owner's Property"); and

WHEREAS, the City has negotiated permanent easements from the owners of the property which said project is to be constructed, pursuant to the terms of easement agreements, attached here to as Exhibits 1 and 2; and

WHEREAS, it is in the best interest of the City to enter into such easement agreements.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and the Council of the City of Batavia, Kane County and DuPage County, Illinois, as follows:

> **SECTION 1:** That the Mayor and City Clerk are hereby authorized to execute the easement agreement for 10-90 N. Island Avenue attached hereto as Exhibits 1 and 2.

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this 4th day of February, 2013.

APPROVED by me as Mayor of said City of Batavia, Illinois, on this 4th day of February, 2013.

_____

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Sparks				
2	Dietz					Wolff				
3	Jungels					Chanzit				
4	Volk					Stark				
5	Frydendall					Thelin Atac				
6	Liva					Clark				
7	Tenuta					Brown				
Mayor Schielke										

VOTE: Ayes Nays Absent Abstentions
Total holding office: Mayor and 14 aldermen

ATTEST:

Heidi Wetzel, City Clerk

S:\Eng Shared\CIP\Traffic_Signals\SIG_06_001_Wilson_Street_Int\wp\resol_ord\13-18-R - Easement 10-90 N Island Avenue.doc

Exhibit 1 to City of Batavia Resolution 13-18-R

GRANT OF EASEMENT

This Grant of Easement ("Agreement") made this _____ day of _____, 2012, by and between DINO ALEX, STEVEN ALEX AND ANDY ALEX (hereinafter referred to as "Grantor") and the **CITY OF BATAVIA**, an Illinois Municipal Corporation (hereinafter referred to as "City").

WHEREAS, Grantor is the owner of a certain real property situated in the City of Batavia, Kane County, Illinois, described in Exhibit A and shown on Exhibit B attached hereto and forming a part hereof ("Easement Parcel"), and is desirous of granting to the City an easement for streetscape purposes, including streetscape enhancements, and the placement of City of Batavia and/or Illinois Department of Transportation equipment on the parcel, as shown on Exhibits C attached hereto and forming a part hereof ("Improvements").

NOW, THEREFORE, in consideration of the acceptance of this grant by the City and for other good and valuable consideration, the Grantor grants to the City a right in, over, along and under the Easement Parcel for the purposes of constructing, replacing, removing, maintaining and using such Parcel for construction and maintenance of the Improvements.

This grant is made on the following terms:

1. The Improvements, or any portion thereof to be constructed, replaced, removed, maintained and used in, over, along and under the Easement Parcel shall be constructed and maintained in a workmanlike manner.

2. City shall, immediately following construction or maintenance of the Improvements and appurtenances, remove or cause to be removed from the Easement Parcel all debris, surplus material, and construction equipment, leaving such Parcel in a neat and presentable condition. The City shall further have a continuing obligation to promptly restore to a level surface any portion of the Easement Parcel that settles.

3. That upon reasonable notice to Grantor (except in case of emergency), the City shall have the right of ingress to and egress from the Easement Parcel for purposes of construction, repair and maintenance, and shall restore any property used for such ingress and egress to its prior condition.

4. The City shall have the right from time to time to trim and cut down and clear away any and all trees and brush now or hereafter on the Easement Parcel or overhanging the Easement Parcel that in the opinion of the City may interfere with the use of the Improvements.

5. The grant of this easement shall not be construed as an agreement by Grantor to alter the location of the building set back line along the westerly boundary of Grantor's Property on which the Easement Parcel is located as it existed immediately prior to the granting of this easement. Furthermore, the City agrees that the building set back line along the western and southern boundary of Grantor's Property shall always be determined as if the easement granted herein did not exist.

6. Grantor reserves the right to use the Easement Parcel for all purposes that will not interfere with the City's full enjoyment of the rights granted by this instrument including, but not limited to,; provided, however, that Grantor shall not erect or construct any building on the Easement Parcel without the prior written consent of the City.

7. The easement described in this instrument is to and shall run with the land and shall be for the benefit and use of and shall be binding upon the Grantor and the City and their respective heirs, administrators, assigns and successors.

8. City agrees to indemnify and save harmless Grantor, its employees, agents officers and beneficiaries from and against any and all claims and demands of third persons (including, but not limited to those for death, for personal injuries or for loss or damage to property) occurring in or arising, directly or indirectly out of or in connection with the use and occupancy of the premises, being a public plaza for the location of the Improvements, including but not limited to work or alterations performed by the City in or to the premises, the activities conducted on the Easement Parcel or temporary construction easement located adjacent thereto, premises or as a result of any acts, omissions, or negligence of the City or their respective contractors, licensees, invitees, agents, servants, employees or other persons on or about the premises and from and against all costs, expenses and liability occurring in or in connection with any such claim or proceeding brought

thereon, excepting those related or arising from acts of the Grantor.

_____

CITY OF BATAVIA

By _____
Mayor

ATTEST:

_____
City Clerk

DINO ALEX, STEVEN ALEX & ANDY ALEX

By _____ Date: _____
Dino Alex

By _____ Date: 11-9-12
Steven Alex

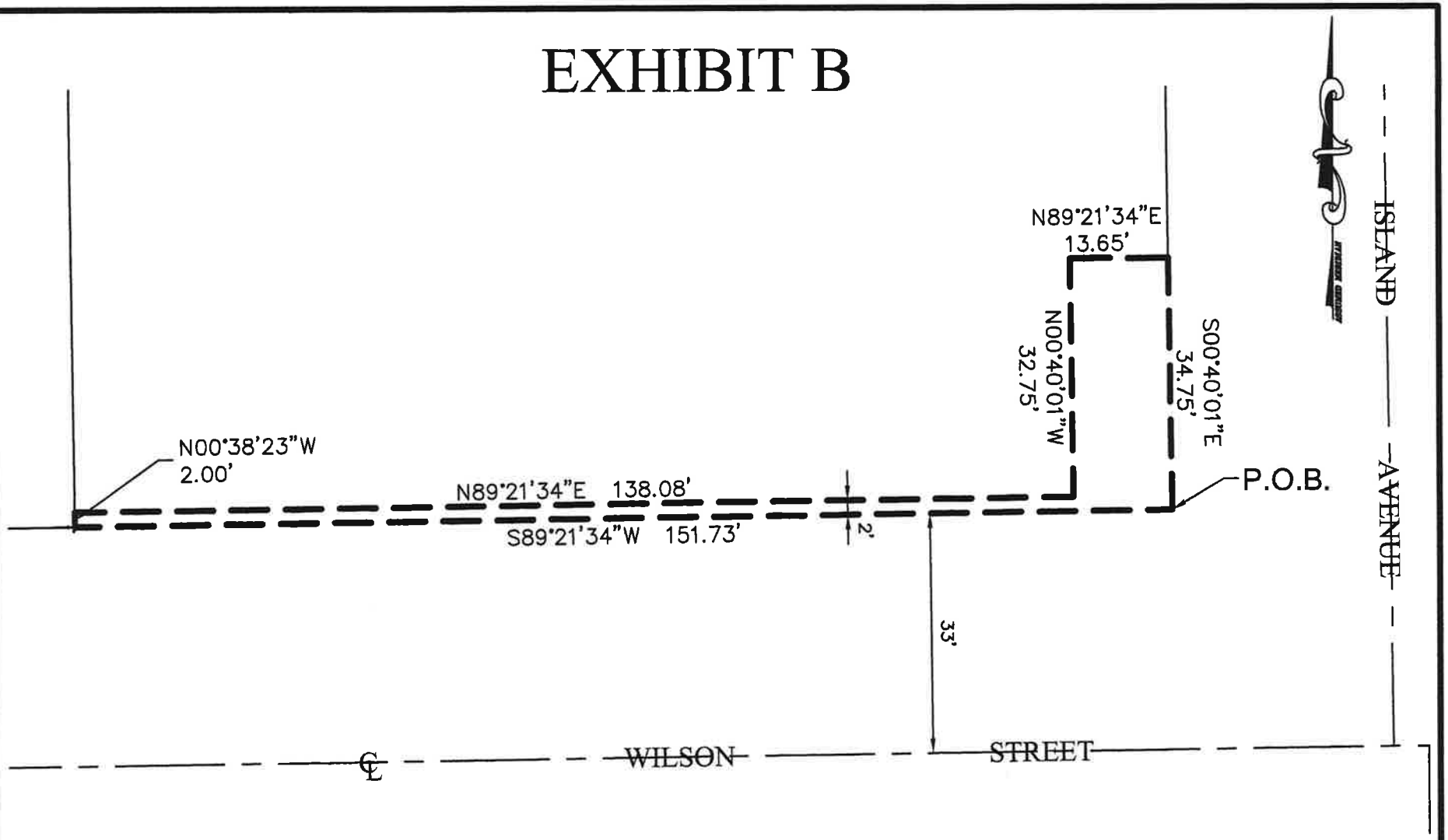
By _____ Date: 11/9/12
Andy Alex

S:\Eng Shared\CIP\Traffic_Signals\SIG_06_001_Wilson_Street_Int\wp\agreement\Alex Brothers\Grant of Easement\12_08_16_Final Draft GRANT of Easement Alex Brothers.doc

EXHIBIT A

THAT PART OF THE NORTH EAST QUARTER OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF WILSON STREET WITH THE WEST LINE OF ISLAND AVENUE, AS DEDICATED BY DOCUMENT 421148; THENCE SOUTH 89 DEGREES 21 MINUTES 34 SECONDS WEST ALONG SAID NORTH LINE, 151.73 FEET TO THE SOUTHEAST CORNER OF THE LAND CONVEYED BY DOCUMENT 2011K008424; THENCE NORTH 00 DEGREES 38 MINUTES 23 SECONDS WEST ALONG THE EAST LINE OF SAID LAND CONVEYED BY DOCUMENT 2011K008424, A DISTANCE OF 2.00 FEET TO A LINE PARALLEL WITH AND 2.00 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID MAIN STREET; THENCE NORTH 89 DEGREES 21 MINUTES 34 SECONDS EAST ALONG SAID PARALLEL LINE, 138.08 FEET TO A LINE PARALLEL WITH AND 13.65 FEET WEST OF, AS MEASURED AT RIGHT ANGLES TO, THE WEST LINE OF SAID ISLAND AVENUE; THENCE NORTH 00 DEGREES 40 MINUTES 01 SECONDS WEST ALONG SAID PARALLEL LINE, 32.75 FEET; THENCE NORTH 89 DEGREES 21 MINUTES 34 SECONDS EAST PARALLEL WITH THE NORTH LINE OF SAID WILSON STREET, 13.65 FEET TO THE SAID WEST LINE; THENCE SOUTH 00 DEGREES 40 MINUTES 01 SECONDS EAST ALONG SAID WEST LINE, 34.75 FEET TO THE POINT OF BEGINNING; IN KANE COUNTY, ILLINOIS.

EXHIBIT B



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SCALE: 1" = 20'	DATE: 7-7-12	DRAWN BY MRA	PC N/A	CLIENT	PROJECT
1 OF 1	CHECKED BY DW	BOOK N/A PG N/A		CITY OF BATAVIA 100 NORTH ISLAND AVENUE BATAVIA, ILLINOIS 60510	SIGNAL EASEMENT WILSON STREET BATAVIA, ILLINOIS
PROJ NO.: 12.0167	2631 GINGER WOODS PARKWAY, STE. 100 AURORA, IL 60502 PHONE: (630) 820-9100 FAX: (630) 820-7030				

COMPASS SURVEYING LTD

REVISIONS	DATE	BY
PER LEGAL	8-21-12	MRA

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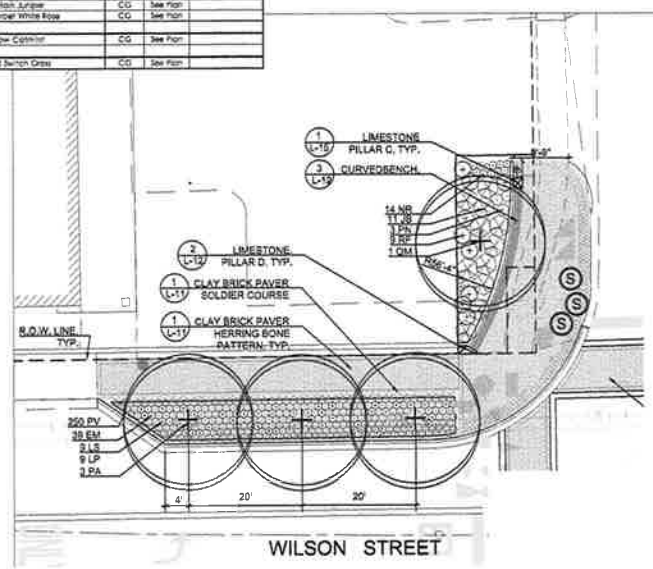
EXHIBIT C

WILSON & ISLAND (NW CORNER) PLANT SCHEDULE

Plant Code	Qty	Size	Botanical Name	Common Name	Form	Spacing	Comments
Trees							
QM		3"	Quercus macrocarpa	Bur Oak	B&B	See Plan	
Shrubs							
JB		#3	Juniperus virginiana 'Blue Mountain'	Blue Mountain Juniper	CG	See Plan	
RF		#5	Rosa 'Flower Carpet White'	Flower Carpet White Rose	CG	See Plan	
Perennials							
NR		#1	Nepeta racemosa 'Walker's Low'	Walker's Low Catmint	CG	See Plan	
Grasses							
PN		#1	Panicum virgatum 'Northwind'	Northwind Switch Grass	CG	See Plan	



LEGEND

- PROPOSED SHADE TREE
- PROPOSED SHRUBS
- CONCRETE PAVEMENT (SEE ENG)
- CLAY BRICK PAVERS
- CLAY BRICK PAVER SOLDIER COURSE (SEE PLAN)
- TRUNCATED DOME CLAY BRICK PAVER
- BRICK PAVER CROSSWALK (SEE ENG)
- BACKED BENCHES
- 30" HEIGHT PRECAST PLANTERS
- 18" HEIGHT PRECAST PLANTERS
- LITTER RECEPTACLE
- RECYCLING LITTER RECEPTACLE
- BIKE RACKS

WILSON STREET MASTER PLANT SCHEDULE

Plant Code	Qty	Size	Botanical Name	Common Name	Form	Spacing	Comments
Trees							
CD		3"	Cercis canadensis 'Chicagoland'	Chicagoland Redbudy	B&B	See Plan	
GB		3"	Ginkgo biloba	Ginkgo	B&B	See Plan	Male only
GTI		3"	Gleditsia triacanthos var. inermis 'Imperial'	Imperial Honey Locust	B&B	See Plan	
GT		3"	Gleditsia triacanthos var. inermis 'Shademaster'	Shademaster Thornless Honey Locust	B&B	See Plan	
PA		3"	Platanus x acerifolia 'Bloodgood'	Bloodgood London Planetree	B&B	See Plan	
QM		3"	Quercus macrocarpa	Bur Oak	B&B	See Plan	
SP		3"	Syringa pekinensis 'Chicago Blue'	Chicago Blue Black Locust	B&B	See Plan	
SR		3"	Syringa reticulata 'Ivory Silk'	Ivory Silk Japanese Tree Lilac	B&B	See Plan	
UP		3"	Ulmus wallica 'Pioneer'	Triumph Elm	B&B	See Plan	Budded propagation only
Shrubs							
RA		#3	Rhus aromatica 'Gro-Low'	Grow Low Sumac	CG	See Plan	
RF		#3	Rosa rugosa 'Flower Carpet White'	Flower Carpet White Rose	CG	See Plan	
Perennials							
AS		#1	Allium 'Summer Beauty'	Summer Beauty Allium	CG	15" O.C.	
CN		#1	Calamintha nepeta ssp. nepeta	Lesser Calamintha	CG	15" O.C.	
CI		#1	Coltonia integerrima	Purple Flowering Willow	CG	18" O.C.	
EM		#1	Echinacea purpurea 'Magnus'	Magnus Coneflower	CG	15" O.C.	
EP		#1	Echinacea 'Pica Bella'	Pica Bella Coneflower	CG	18" O.C.	
HO		#1	Heuchera 'Obsidian'	Obsidian Coralbells	CG	15" O.C.	
LP		#1	Liatris pycnostachya	Prairie Blazing Star	CG	15" O.C.	
LS		#1	Liatris spicata	Spike Blazingstar	CG	15" O.C.	
NR		#1	Nepeta racemosa 'Walker's Low'	Walker's Low Catmint	CG	15" O.C.	
SJ		#1	Sedum 'Jose Aubergine'	Jose Aubergine Sedum	CG	18" O.C.	
Grasses							
PV		Quart	Panicum virgatum 'Shenandoah'	Shenandoah Red Switch Grass	CG	18" O.C.	
SA		Quart	Sesleria autumnalis	Autumn Moor Grass	CG	18" O.C.	

1 ENLARGEMENT PLAN 1 (ISLAND AVE. INTERSECTION)

SCALE 1"=10'-0"

SCALE: 1"=10'-0"

0 5' 10' 20'

FILE NAME = $FILE$	USER NAME	DESIGNED – JB & JM	REVISED –
		DRAWN – JO & BM	REVISED –
	PLOT SCALE =	CHECKED – JB	REVISED –
	PLOT DATE =	DATE – 08.24.2012	REVISED –

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

LANDSCAPE ENLARGEMENT PLAN
WILSON STREET STA. 60+40.00 TO 62+23.72

SCALE: SHOWN | SHEET OF SHEETS | STA. TO STA.

F.A. RTE.	SECTION	COUNTY	TOTAL SHEETS	SHEET NO.
				L-9
		CONTRACT NO.		
	ILLINOIS FED. AID PROJECT			

Exhibit 2 to City of Batavia Resolution 13-18-R

THE CITY OF BATAVIA

EASEMENT AGREEMENT

This Agreement for the dedication of an easement from the DINO ALEX, STEVEN ALEX, ANDY ALEX (collectively the "Owner") to the City of Batavia ("City") is entered into this ____ day of _____, 2012.

WHEREAS, the City is planning to make improvements to the downtown streetscape on Wilson Street ("Project") and desires to use of a portion of the Owner's property located at 10-90 N. Island Avenue Batavia, IL, (the "Owner's Property") for the Project, including streetscape enhancements, and the placement of City of Batavia and/or Illinois Department of Transportation equipment on the Owner's Property; and

WHEREAS, the Owner desires to dedicate an easement on a portion of his Property to the City for streetscape enhancements, including the placement of City of Batavia and/or Illinois Department of Transportation equipment, subject to certain conditions; and

WHEREAS, the City desires to accept the easement dedication subject to the conditions that have been agreed.

NOW, THEREFORE, be it resolved by the Mayor and the Council of the City of Batavia, Kane County and DuPage County, Illinois, as follows:

1. The recitals set forth above are incorporated as if fully stated herein as a material term of this Agreement.

2. The Property Owners hereby dedicates and the City hereby accepts the dedication to the City of an easement on that portion of the Owner's Property identified by PIN No. 12-22-252-013, which portion is legally described in the instrument attached hereto as Exhibit A and shown on Exhibit B for streetscape enhancements, including the placement of City of Batavia and/or Illinois Department of Transportation equipment ("Easement") subject to the following conditions:

A. In exchange for the Dedication, the City shall construct streetscape improvements on the Owner's Property in conformance with the plan attached hereto as Exhibit C at the time the City undertakes the Project.

B. The Owners shall sign and the City shall record the Grant of Easement in the form attached hereto as Exhibit D, and from and after the recording of the Grant of Easement, the City shall have the exclusive use of the Easement for the purposes stated herein; and

C. The Owner hereby authorizes the City to use a portion of the Owner's Property adjacent to the as a temporary construction easement, and when the Project is completed, the City shall restore that portion the Owner's Property used as a temporary construction easement to its original condition.

D. From and after the completion of the Project, the City shall be exclusively responsible for the maintenance of the Easement.

IN WITNESS WHEREOF, this Agreement is approved by

PROPERTY OWNER

By_____
Dino Alex

Date: 11/9/12

By_____
Steven Alex

Date: 11-9-12

By_____
Andy Alex

Date: 11/9/12

THE CITY OF BATAVIA

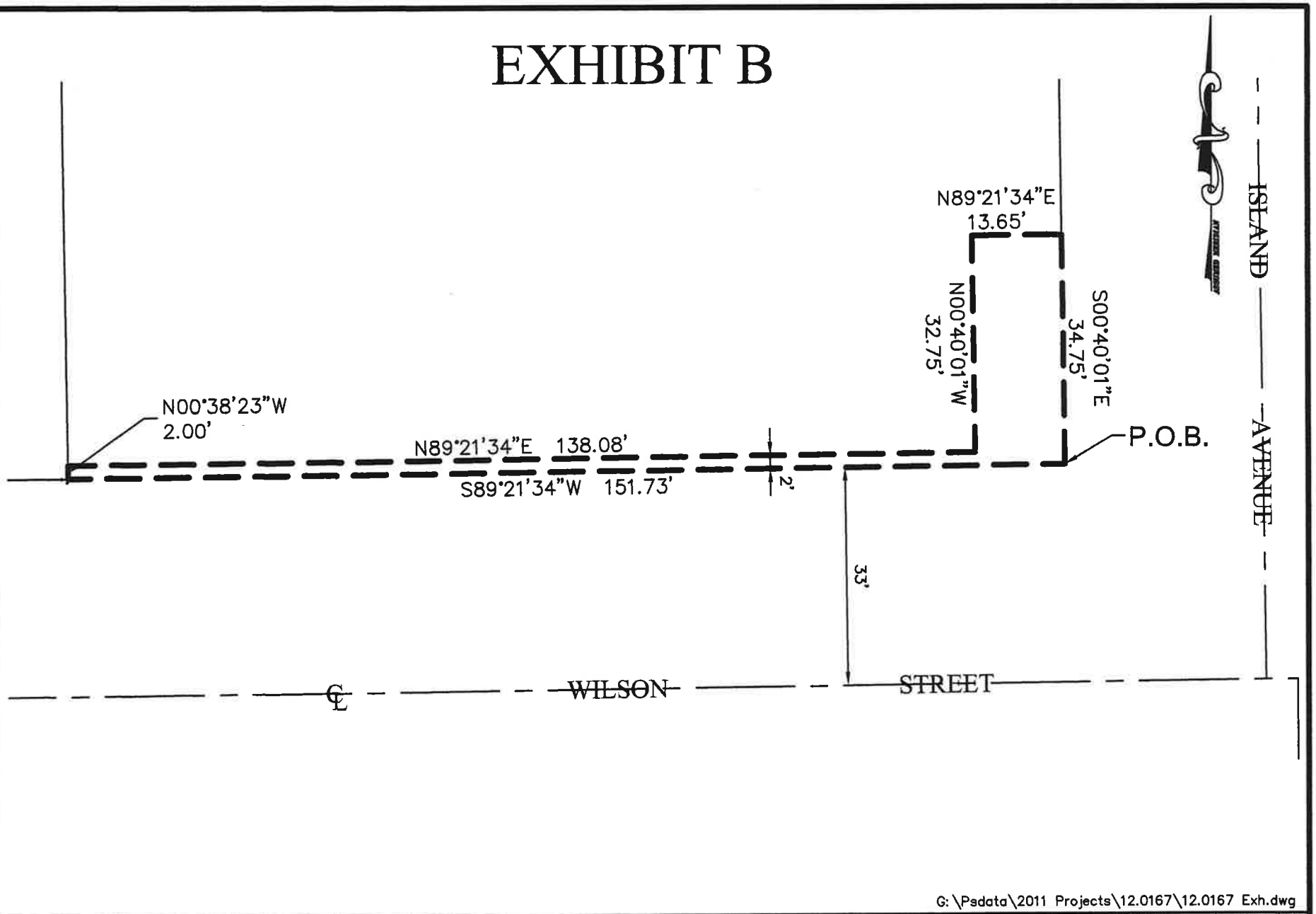
_____

By its _____

EXHIBIT A

THAT PART OF THE NORTH EAST QUARTER OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: BEGINNING AT THE POINT OF INTERSECTION OF THE NORTH LINE OF WILSON STREET WITH THE WEST LINE OF ISLAND AVENUE, AS DEDICATED BY DOCUMENT 421148; THENCE SOUTH 89 DEGREES 21 MINUTES 34 SECONDS WEST ALONG SAID NORTH LINE, 151.73 FEET TO THE SOUTHEAST CORNER OF THE LAND CONVEYED BY DOCUMENT 2011K008424; THENCE NORTH 00 DEGREES 38 MINUTES 23 SECONDS WEST ALONG THE EAST LINE OF SAID LAND CONVEYED BY DOCUMENT 2011K008424, A DISTANCE OF 2.00 FEET TO A LINE PARALLEL WITH AND 2.00 FEET NORTH OF, AS MEASURED AT RIGHT ANGLES TO, THE NORTH LINE OF SAID MAIN STREET; THENCE NORTH 89 DEGREES 21 MINUTES 34 SECONDS EAST ALONG SAID PARALLEL LINE, 138.08 FEET TO A LINE PARALLEL WITH AND 13.65 FEET WEST OF, AS MEASURED AT RIGHT ANGLES TO, THE WEST LINE OF SAID ISLAND AVENUE; THENCE NORTH 00 DEGREES 40 MINUTES 01 SECONDS WEST ALONG SAID PARALLEL LINE, 32.75 FEET; THENCE NORTH 89 DEGREES 21 MINUTES 34 SECONDS EAST PARALLEL WITH THE NORTH LINE OF SAID WILSON STREET, 13.65 FEET TO THE SAID WEST LINE; THENCE SOUTH 00 DEGREES 40 MINUTES 01 SECONDS EAST ALONG SAID WEST LINE, 34.75 FEET TO THE POINT OF BEGINNING; IN KANE COUNTY, ILLINOIS.

EXHIBIT B



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SCALE: 1" = 20'	DATE: 7-7-12	DRAWN BY MRA	PC N/A	CLIENT	PROJECT	REVISIONS / DATE / BY
1 OF 1	CHECKED BY DW	BOOK N/A PG N/A		CITY OF BATAVIA 100 NORTH ISLAND AVENUE BATAVIA, ILLINOIS 60510	SIGNAL EASEMENT WILSON STREET BATAVIA, ILLINOIS	PER LEGAL / 8-21-12 / MRA
PROJ. NO.: 12.0167	2631 GINGER WOODS PARKWAY, STE. 100 AURORA, IL 60502 PHONE: (630) 820-9100 FAX: (630) 820-7030					

COMPASS SURVEYING LTD

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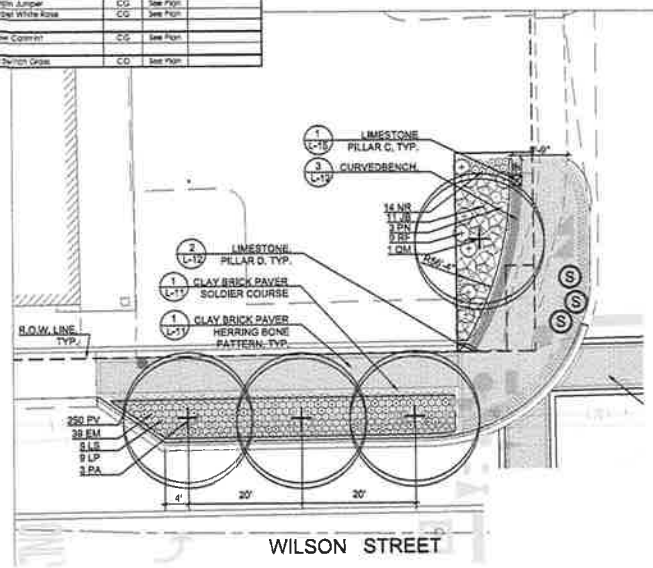
EXHIBIT C

WILSON & ISLAND (NW CORNER) PLANT SCHEDULE

Plant Code	Qty	Size	Botanical Name	Common Name	Form	Spacing	Comments
Trees							
QM		3"	Quercus macrocarpa	Bur Oak	B&B	See Plan	
Shrubs							
JB		#3	Juniperus virginiana 'Blue Mountain'	Blue Mountain Juniper	CG	See Plan	
RF		#3	Rosa 'Flower Carpet White'	Flower Carpet White Rose	CG	See Plan	
Perennials							
NR		#1	Nepeta racemosa 'Walker's Low'	Walker's Low Catmint	CG	See Plan	
Grasses							
PN		#1	Panicum virgatum 'Northwind'	Northwind Switch Grass	CG	See Plan	



LEGEND

- PROPOSED SHADE TREE
- PROPOSED SHRUBS
- CONCRETE PAVEMENT (SEE ENG)
- CLAY BRICK PAVERS
- CLAY BRICK PAVER SOLDIER COURSE (SEE PLAN)
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- BRICK PAVER CROSSWALK (SEE ENG)
- BACKED BENCHES
- 30" HEIGHT PRECAST PLANTERS
- 18" HEIGHT PRECAST PLANTERS
- LITTER RECEPTACLE
- RECYCLING LITTER RECEPTACLE
- BIKE RACKS

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GB		3"	Ginkgo biloba	Ginkgo	B&B	See Plan	Male only
GTI		3"	Gleditsia triacanthos var. inermis 'Imperial'	Imperial Honey Locust	B&B	See Plan	
GT		3"	Gleditsia triacanthos var. inermis 'Shademaster'	Shademaster Thornless Honey Locust	B&B	See Plan	
PA		3"	Platanus x acerifolia 'Bloodgood'	Bloodgood London Planetree	B&B	See Plan	
QM		3"	Quercus macrocarpa	Bur Oak	B&B	See Plan	
RP		3"	Robinia pseudoacacia 'Chicago Blues'	Chicago Blues Black Locust	B&B	See Plan	
SR		3"	Syringa reticulata 'Ivory Silk'	Ivory Silk Japanese Tree Lilac	B&B	See Plan	
UP		3"	Ulmus 'Morton Glacier'	Triumph Elm	B&B	See Plan	Available propagation only
Shrubs							
RA		#3	Rhus aromatica 'Grow Low'	Grow Low Sumac	CG	See Plan	
RF		#3	Rosa hybrida 'Flower Carpet White'	Flower Carpet White Rose	CG	See Plan	
Perennials							
AS		#1	Allium 'Summer Beauty'	Summer Beauty Allium	CG	15" O.C.	
CN		#1	Coreopsis rosea var. rosea	Lance Coreopsis	CG	15" O.C.	
CI		#1	Coleonema pulchellum	Purple Popowhallow	CG	15" O.C.	
EM		#1	Echinacea purpurea 'Magnus'	Magnus Coneflower	CG	15" O.C.	
EP		#1	Echinacea 'Pica Bella'	Pica Bella Coneflower	CG	15" O.C.	
HO		#1	Heuchera 'Obsidian'	Obsidian Coralbells	CG	15" O.C.	
LP		#1	Liatris pycnostachya	Prairie Blazing Star	CG	15" O.C.	
LS		#1	Liatris spicata	Spike Blazingstar	CG	15" O.C.	
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SJ		#1	Sedum 'Jose Aubergine'	Jose Aubergine Sedum	CG	15" O.C.	
Grasses							
PV		Quart	Panicum virgatum 'Shenandoah'	Shenandoah Red Switch Grass	CG	15" O.C.	
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1 ENLARGEMENT PLAN 1 (ISLAND AVE. INTERSECTION)
SCALE: 1"=10'-0"

SCALE: 1"=10'-0"
0 5' 10' 20'

FILE NAME =	USER NAME	DESIGNED — JB & JW	REVISED —
		DRAWN — JC & SM	REVISED —
	PLOT SCALE =	CHECKED — JB	REVISED —
	PLOT DATE =	DATE — 08.24.2012	REVISED —

STATE OF ILLINOIS
DEPARTMENT OF TRANSPORTATION

LANDSCAPE ENLARGEMENT PLAN
WILSON STREET STA. 60+40.00 TO 62+23.72

SCALE: SHOWN | SHEET OF SHEETS | STA. TO STA.

F.A. RTE.	SECTION	COUNTY	TOTAL SHEETS	SHEET NO.
				L-9
		CONTRACT NO.		
	ILLINOIS FED. AID PROJECT			

CITY OF BATAVIA

DATE: **January 24, 2013**

TO: **Community Development Committee**

FROM: **Scott Buening, Community Development Director**

SUBJECT: **Resolution 13-15-R—Dedication of Part of Hamlet Street**
Resolution 13-16-R—Dedication of Part of Union Avenue
Resolution 13-17-R—Dedication of Part of South Van Buren Street

Background and Analysis

The City owns several parcels of land that are being used as public roads, but the land has not been dedicated for roadway purposes. This may present a problem for future funding of roadway improvements on those roads as certain funds can only be used if the roads have been dedicated. In addition, because these parcels of land are not formally roads, there may be some legal issues with enforcing traffic laws on them if they are not dedicated.

Staff has had three (3) plats of dedication prepared to formally dedicate these parcels as public roads. There would be no effect on property taxes as the City owns these parcels now and they are exempt. They are already being used as roads, so there would be no physical change by virtue of the dedications.

It should be noted that there are several parcels of land along Hamlet Street that are still in private ownership. Staff is working to contact those owners to get those sections dedicated as well.

Recommendation

Staff recommends approval of Resolutions 13-15-R, 13-16-R and 13-17-R to dedicate sections of Hamlet Street, Union Avenue and South Van Buren Street as public roads.

Attachments:

1. Resolution 13-15-R—Dedication of Part of Hamlet Street.
2. Resolution 13-16-R—Dedication of Part of Union Avenue.
3. Resolution 13-17-R—Dedication of Part of South Van Buren Street.

Cc: Mayor & City Council
City Administrator
City Attorney
Press
File

CITY OF BATAVIA, ILLINOIS
RESOLUTION 13-15-R

RESOLUTION DEDICATING A PORTION OF HAMLET STREET AS PUBLIC RIGHT-OF-WAY

WHEREAS, The City is the owner of a parcel of land identified as PIN 12-14-326-061 that is currently being used as part of Hamlet Street as a public road; and

WHEREAS, the City desires to formally dedicate this parcel as public right-of-way for roadway purposes; and

WHEREAS, the dedication will allow this roadway to officially be funded and policed as a public road;

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

SECTION 1: The recitals set forth above are incorporated as if fully stated herein as a material term of this Resolution.

SECTION 2: The Plat of Dedication of the property in the form attached as Exhibit "A" is hereby approved and accepted.

SECTION 3: The Mayor and City Clerk are hereby authorized to sign the Plat of Dedication.

SECTION 4: This Resolution shall become effective from and after its approval.

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this ___ day of _____ , 2013.

APPROVED by me as Mayor of said City of Batavia, Illinois, this ___ day of _____, 2013.

_____

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Sparks				
2	Dietz					Wolff				
3	Jungels					Chanzit				
4	Volk					Stark				
5	Frydendall					Thelin Atac				
6	Liva					Clark				
7	Tenuta					Brown				
Mayor Schielke										

VOTE: Ayes Nays Absent 0 Abstentions
Total holding office: Mayor and 14 aldermen

ATTEST:

_____

Heidi Wetzel, City Clerk

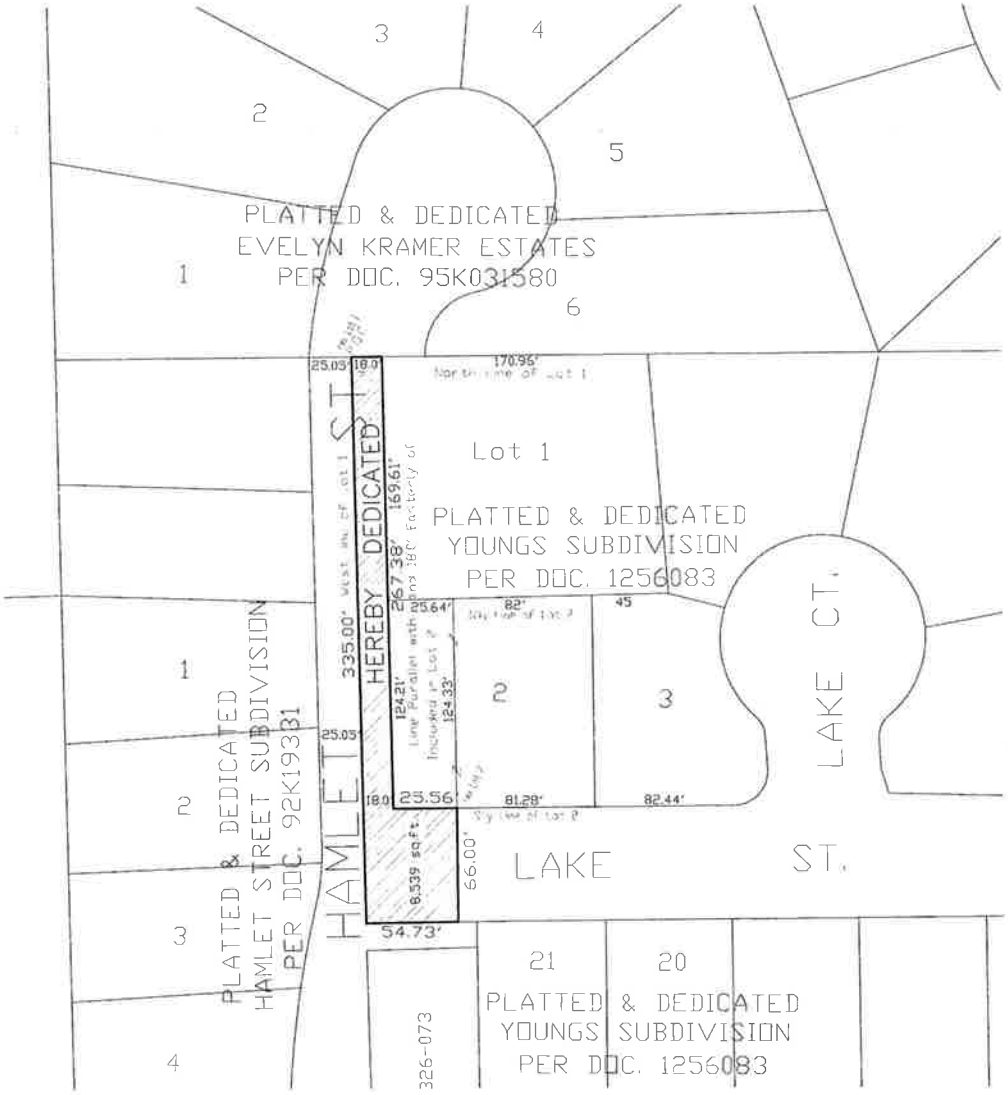
PLAT OF DEDICATION
FOR PUBLIC ROADWAY PURPOSES

PART OF SECTION 14, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN
KANE COUNTY, ILLINOIS

LEGAL DESCRIPTION

BEGINNING AT THE NORTHWEST CORNER OF LOT 1 IN YOUNG'S SUBDIVISION PER DOCUMENT 1256083; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 1 TO A LINE DRAWN PARALLEL WITH AND 18.0 FEET EASTERLY OF, AS MEASURED AT RIGHT ANGLES TO, THE WESTERLY LINE OF SAID LOT 1; THENCE SOUTHERLY ALONG SAID PARALLEL LINE TO THE SOUTHERLY LINE EXTENDED WESTERLY OF LOT 2 IN SAID YOUNG'S SUBDIVISION; THENCE EASTERLY ALONG SAID EXTENDED LINE TO THE SOUTHWEST CORNER OF SAID LOT 2; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF SAID LOT 2 EXTENDED SOUTHERLY 66.0 FEET TO THE NORTHERLY LINE OF LOT 21 OF SAID YOUNG'S SUBDIVISION EXTENDED WESTERLY; THENCE WESTERLY ALONG SAID EXTENDED LINE TO THE WEST LINE OF SAID LOT 1; THENCE NORTHERLY ALONG THE WEST LINE OF SAID LOT 1 TO THE POINT OF BEGINNING, CONTAINING 8,539 SQ.FT., IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS.
PIN = 12-14-326-061

N.T.S.
North



City Approval Cercificate

State of Illinois)
) SS
County of Kane)

This is to certify that the above plat correctly represents the area to be dedicated to the City of
Batavia, Kane County, Illinois, by ordinance passed and approved by the City of Batavia City Council on _____, 20 ____.

_____ _____
Mayor City Clerk

County Clerk's Certificate

State of Illinois)
) SS
County of Kane)

This is to certify that I, _____, County Clerk of Kane County, Illinois do hereby certify that there are no delinquent general taxes, no unpaid current general taxes, no unpaid forfeited taxes and no redeemable tax sales against any of the property included in the hereon drawn plat.

I further certify that I have received all statutory fees in connection with the hereon drawn plat.

Given under my hand and seal of the County Clerk of Kane County, Illinois this ____ day of _____, 20 ____.

_____
Kane County Clerk

STATE OF ILLINOIS)
SS)
COUNTY OF KANE)

THIS IS TO CERTIFY THAT I, STACY L. FERGUSON, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF ILLINOIS, HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY, AND THAT THIS PLAT WAS PREPARED FOR THE PURPOSE OF DEDICATION OF RIGHT OF WAY TO THE CITY OF BATAVIA, AND THIS PLAT OF DEDICATION ACCURATELY DEPICTS SAID PROPERTY.
GIVEN UNDER MY HAND AND SEAL

THIS 3rd DAY OF JANUARY 20 13

_____
STACY L. FERGUSON
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-002952 EXP. 11/30/14
ILLINOIS PROFESSIONAL DESIGN FIRM - LAND SURVEYING CORP. NO. 184-003154 EXP. 4/30/13

STACY L. FERGUSON
035-002952
PROFESSIONAL LAND SURVEYOR
STATE OF ILLINOIS
BATAVIA IL

Owners Deed of Dedication

State of Illinois)
) SS
County of Kane)

This is to certify that the City of Batavia is the owner of the property described herein and does
hereby grant, convey and dedicate said property for public roadway purposes.

Dated at Batavia, Illinois this ____ day of _____, 20 ____.

By: _____ Attest: _____
Mayor City Clerk

Notary Certificate

State of Illinois)
) SS
County of Kane)

This is to certify that _____ and _____, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, as said officers, appeared before me this day, in person, and sign and seal the attached plat as their own free and voluntary act and as the free and voluntary act of said City of Batavia, for the uses
and purposes therein set forth.

Given under my hand and seal this ____ day of _____, 20 ____.

_____
Notary Public

PLAT OF DEDICATION	12-11-12		1-3-13
Type of Survey	Date	Date Drawn	Revised
Common Address : HAMLET ST. BATAVIA			
Builder/Client : City of Batavia			
Job No. : 12-5358		Scale : NTS	

STACY FERGUSON LAND SURVEYING, INC.
SURVEYING, CONSTRUCTION, DESIGN, DRAFTING MAPPING, LAYOUT AND CONSULTING
239 E. WILSON STREET BATAVIA, ILLINOIS PHONE # (630) 879-0158

CITY OF BATAVIA, ILLINOIS
RESOLUTION 13-16-R

RESOLUTION DEDICATING A PORTION OF UNION AVENUE AS PUBLIC RIGHT-OF-WAY

WHEREAS, The City is the owner of a parcel of land identified as PIN 12-22-402-010 that is currently being used as part of Union Avenue as a public road; and

WHEREAS, the City desires to formally dedicate this parcel as public right-of-way for roadway purposes; and

WHEREAS, the dedication will allow this roadway to officially be funded and policed as a public road;

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

SECTION 1: The recitals set forth above are incorporated as if fully stated herein as a material term of this Resolution.

SECTION 2: The Plat of Dedication of the property in the form attached as Exhibit "A" is hereby approved and accepted.

SECTION 3: The Mayor and City Clerk are hereby authorized to sign the Plat of Dedication.

SECTION 4: This Resolution shall become effective from and after its approval.

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this ___ day of _____ , 2013.

APPROVED by me as Mayor of said City of Batavia, Illinois, this ___ day of _____, 2013.

_____

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Sparks				
2	Dietz					Wolff				
3	Jungels					Chanzit				
4	Volk					Stark				
5	Frydendall					Thelin Atac				
6	Liva					Clark				
7	Tenuta					Brown				
Mayor Schielke										

VOTE: Ayes Nays Absent 0 Abstentions
Total holding office: Mayor and 14 aldermen

ATTEST:

_____

Heidi Wetzel, City Clerk

PLAT OF DEDICATION
FOR PUBLIC ROADWAY PURPOSES

PART OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN
KANE COUNTY, ILLINOIS.

LEGAL DESCRIPTION

BEING A PART OF LOTS 3, 4 AND 5 IN BLOCK 4 OF THE ASSESSOR'S ADDITION TO BATAVIA, BEING A PART OF THE SOUTH 1/2 OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: THE SOUTH 50.0 FEET OF SAID LOT 3 (MEASURED AT RIGHT ANGLES TO THE SOUTH LINE THEREOF), THE NORTH 50.0 FEET OF SAID LOT 5 (MEASURED AT RIGHT ANGLES TO THE NORTH LINE THEREOF) AND THE NORTH 100.0 FEET OF THE SOUTH 133.0 FEET OF SAID LOT 4 (MEASURED AT RIGHT ANGLES TO THE SOUTH LINE THEREOF LYING WESTERLY OF THE WEST LINE OF THE FORMER CHICAGO & NORTHWESTERN RAILROAD RIGHT OF WAY LINE), IN KANE COUNTY, ILLINOIS.
PIN = 12-22-402-010

N.T.S.
North

City Approval Certificate

State of Illinois)
) SS
County of Kane)

This is to certify that the above plat correctly represents the area to be dedicated to the City of
Batavia, Kane County, Illinois, by ordinance passed and approved by the City of Batavia City Council on _____, 20 _____.

_____
Mayor City Clerk

County Clerk's Certificate

State of Illinois)
) SS
County of Kane)

This is to certify that I, _____, County Clerk of Kane County, Illinois do hereby certify that there are no delinquent general taxes, no unpaid current general taxes, no unpaid forfeited taxes and no redeemable tax sales against any of the property included in the hereon drawn plat.

I further certify that I have received all statutory fees in connection with the hereon drawn plat.

Given under my hand and seal of the County Clerk of Kane County, Illinois this _____ day of _____, 20 _____.

_____
Kane County Clerk

STATE OF ILLINOIS)
SS)
COUNTY OF KANE)

THIS IS TO CERTIFY THAT I, STACY L. FERGUSON, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF ILLINOIS, HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY, AND THAT THIS PLAT WAS PREPARED FOR THE PURPOSE OF DEDICATION OF RIGHT OF WAY TO THE CITY OF BATAVIA, AND THIS PLAT OF DEDICATION ACCURATELY DEPICTS SAID PROPERTY.
GIVEN UNDER MY HAND AND SEAL.

THIS 3rd DAY OF JANUARY 20 13

STACY L. FERGUSON
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-002952 EXP. 11/30/14
ILLINOIS PROFESSIONAL DESIGN FIRM - LAND SURVEYING CORP. NO. 184-003154 EXP. 4/30/13

STACY L. FERGUSON
035-002952
PROFESSIONAL LAND SURVEYOR
STATE OF ILLINOIS
BATAVIA, IL

Owners Deed of Dedication

State of Illinois)
) SS
County of Kane)

This is to certify that the City of Batavia is the owner of the property described herein and does
hereby grant, convey and dedicate said property for public roadway purposes.

Dated at Batavia, Illinois this _____ day of _____, 20 _____.

By: _____ Attest: _____
Mayor City Clerk

Notary Certificate

State of Illinois)
) SS
County of Kane)

This is to certify that _____ and _____, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, as said officers, appeared before me this day, in person, and sign and seal the attached plat as their own free and voluntary act and as the free and voluntary act of said City of Batavia, for the uses
and purposes therein set forth.

Given under my hand and seal this _____ day of _____, 20 _____.

_____
Notary Public

PLAT OF DEDICATION	12-30-12		1-3-13
Type of Survey	Date	Date Drawn	Revised
Common Address : UNION ST. BATAVIA			
Builder/Client : City of Batavia			
Job No. : 12-5359		Scale : NTS	

STACY FERGUSON LAND SURVEYING, INC.
SURVEYING, CONSTRUCTION, DESIGN, DRAFTING, MAPPING, LAYOUT AND CONSULTING
239 E. WILSON STREET BATAVIA, ILLINOIS PHONE # (630) 879-0156

CITY OF BATAVIA, ILLINOIS
RESOLUTION 13-17-R

RESOLUTION DEDICATING A PORTION OF SOUTH VAN BUREN STREET AS PUBLIC RIGHT-OF-WAY

WHEREAS, The City is the owner of a parcel of land identified as PIN 12-22-477-015 that is currently being used as part of South Van Buren Street as a public road; and

WHEREAS, the City desires to formally dedicate this parcel as public right-of-way for roadway purposes; and

WHEREAS, the dedication will allow this roadway to officially be funded and policed as a public road;

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

SECTION 1: The recitals set forth above are incorporated as if fully stated herein as a material term of this Resolution.

SECTION 2: The Plat of Dedication of the property in the form attached as Exhibit "A" is hereby approved and accepted.

SECTION 3: The Mayor and City Clerk are hereby authorized to sign the Plat of Dedication.

SECTION 4: This Resolution shall become effective from and after its approval.

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this ___ day of _____ , 2013.

APPROVED by me as Mayor of said City of Batavia, Illinois, this ___ day of _____, 2013.

_____

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Sparks				
2	Dietz					Wolff				
3	Jungels					Chanzit				
4	Volk					Stark				
5	Frydendall					Thelin Atac				
6	Liva					Clark				
7	Tenuta					Brown				
Mayor Schielke										

VOTE: Ayes Nays Absent 0 Abstentions
Total holding office: Mayor and 14 aldermen

ATTEST:

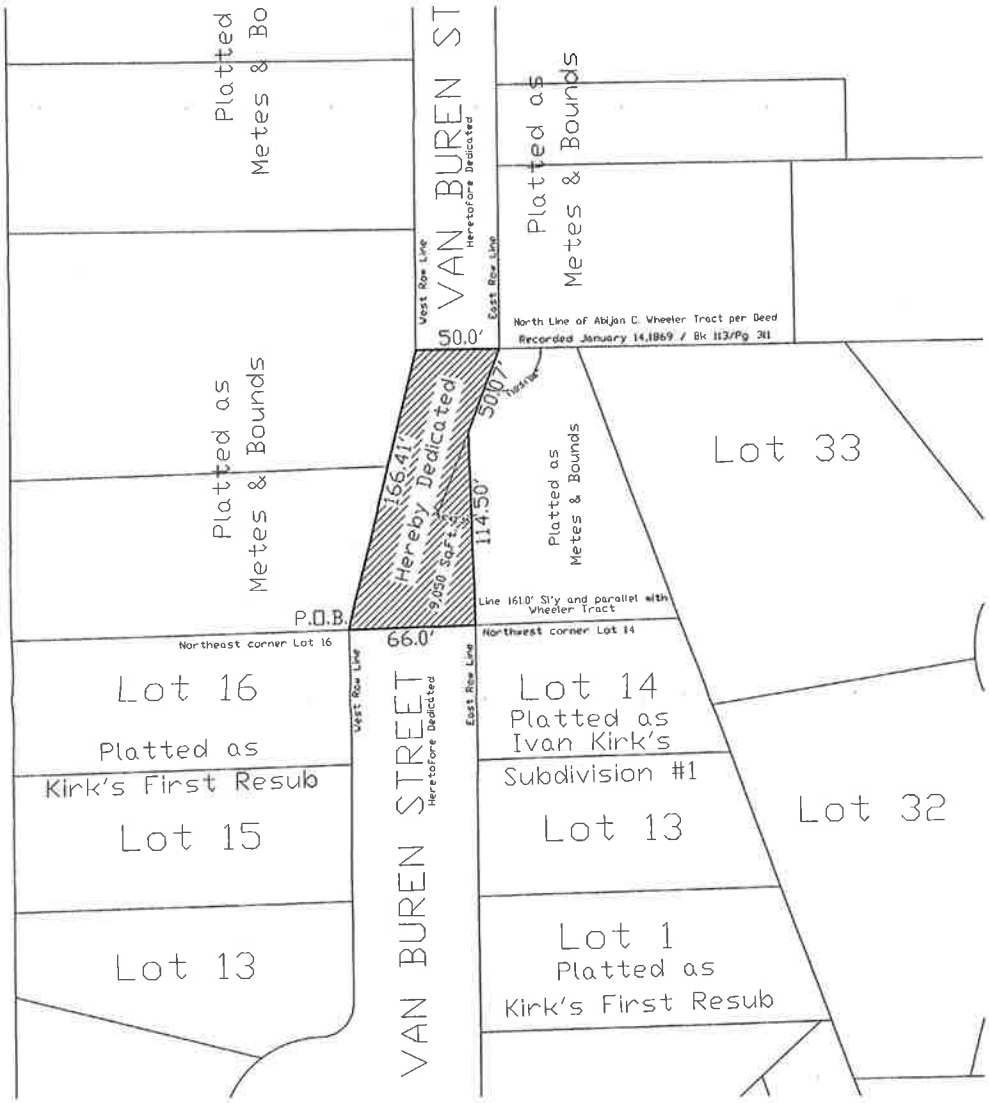
_____

Heidi Wetzel, City Clerk

PLAT OF DEDICATION
FOR PUBLIC ROADWAY PURPOSES

PART OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 22, TOWNSHIP 39 NORTH, RANGE 8 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS:
BEGINNING AT THE NORTHEAST CORNER OF LOT 16 OF KIRK'S FIRST RESUBDIVISION; THENCE NORTHEASTERLY 166.41 FEET TO THE INTERSECTION OF THE WEST LINE OF VANBUREN STREET (AS MONUMENTED AND OCCUPIED) ALSO SAID LINE BEING THE NORTH LINE OF ABIJAH C. WHEELER TRACT RECORDED JANUARY 14, 1869 IN BOOK 113, PAGE 311 EXTENDED WESTERLY; THENCE EAST ALONG SAID NORTH LINE 50.00 FEET TO THE EAST LINE OF SAID VANBUREN STREET; THENCE SOUTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 110°51'06" TO THE RIGHT WITH THE EASTERLY EXTENSION OF THE LAST DESCRIBED COURSE, 50.07 FEET TO AN IRON PIPE WHICH MEASURES 2.05 FEET WESTERLY FROM THE NORTHWESTERLY CORNER OF A TWO-STORY STONE AND FRAME RESIDENCE; THENCE SOUTHWESTERLY ALONG A LINE WHICH FORMS AN ANGLE OF 16°42'35" TO THE LEFT WITH THE SOUTHWESTERLY EXTENSION OF THE LAST DESCRIBED COURSE, 114.50 FEET TO A POINT IN A LINE DRAWN PARALLEL WITH AND 161.00 FEET SOUTHERLY OF THE NORTH LINE OF SAID WHEELER TRACT SAID POINT ALSO BEING THE NORTHWEST CORNER OF LOT 14 IN IVAN KIRK'S SUBDIVISION UNIT 1 SAID POINT ALSO BEING ON THE EAST LINE OF SAID VANBUREN STREET; THENCE WESTERLY ALONG THE AFORESAID LINE, 66.00 FEET TO THE POINT OF BEGINNING CONTAINING 9,050 SQ.FT. IN KANE COUNTY, ILLINOIS.
PIN = 12-22-477-015

N.T.S.
North



City Approval Certificate

State of Illinois)
) SS
County of Kane)

This is to certify that the above plat correctly represents the area to be dedicated to the City of
Batavia, Kane County, Illinois, by ordinance passed and approved by the City of Batavia City Council on _____, 20 ____.

_____
Mayor City Clerk

County Clerk's Certificate

State of Illinois)
) SS
County of Kane)

This is to certify that I, _____, County Clerk of Kane County, Illinois do hereby certify that there are no delinquent general taxes, no unpaid current general taxes, no unpaid forfeited taxes and no redeemable tax sales against any of the property included in the hereon drawn plat.

I further certify that I have received all statutory fees in connection with the hereon drawn plat.

Given under my hand and seal of the County Clerk of Kane County, Illinois this ____ day of _____, 20 ____.

_____
Kane County Clerk

STATE OF ILLINOIS)
SS)
COUNTY OF KANE)

THIS IS TO CERTIFY THAT I, STACY L. FERGUSON, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF ILLINOIS, HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY, AND THAT THIS PLAT WAS PREPARED FOR THE PURPOSE OF DEDICATION OF RIGHT OF WAY TO THE CITY OF BATAVIA, AND THIS PLAT OF DEDICATION ACCURATELY DEPICTS SAID PROPERTY.
GIVEN UNDER MY HAND AND SEAL

THIS 13TH DAY OF JANUARY 20 13

STACY L. FERGUSON
ILLINOIS PROFESSIONAL LAND SURVEYOR NO. 035-002952 EXP. 11/30/14
ILLINOIS PROFESSIONAL DESIGN FIRM - LAND SURVEYING CORP. NO. 184-003154 EXP. 4/30/13

STACY L. FERGUSON
035-002952
PROFESSIONAL LAND SURVEYOR
STATE OF ILLINOIS
BATAVIA IL

Owners Deed of Dedication

State of Illinois)
) SS
County of Kane)

This is to certify that the City of Batavia is the owner of the property described herein and does
hereby grant, convey and dedicate said property for public roadway purposes.

Dated at Batavia, Illinois this ____ day of _____, 20 ____.

By: _____ Attest: _____
Mayor City Clerk

Notary Certificate

State of Illinois)
) SS
County of Kane)

This is to certify that _____ and _____, personally known to me to be the same persons whose names are subscribed to the foregoing instrument, as said officers, appeared before me this day, in person, and sign and seal the attached plat as their own free and voluntary act and as the free and voluntary act of said City of Batavia, for the uses
and purposes therein set forth.

Given under my hand and seal this ____ day of _____, 20 ____.

_____
Notary Public

PLAT OF DEDICATION	12-11-12	1-3-13	1-13-13
Type of Survey	Date	Date Drawn	Revised
Common Address : VAN BUREN STREET			
Builder/Client : City of Batavia			
Job No. : 12-5360		Scale : NTS	

STACY FERGUSON LAND SURVEYING, INC.
SURVEYING, CONSTRUCTION, DESIGN, DRAFTING, MAPPING, LAYOUT AND CONSULTING
239 E. WILSON STREET BATAVIA, ILLINOIS PHONE # (630) 879-0158

CITY OF BATAVIA

Date: January 23, 2013

To: City Services Committee

From: Andrea M. Podraza, P.E., CFM
Civil Engineer

Re: **Braeburn Marsh Restoration Monitoring & Maintenance Coordination**

Resolution 13-14-R : Authorizing Execution of the contract for The Braeburn Marsh 5 year Monitoring and Maintenance Coordination with Wills Burke Kelsey (WBK)

The City of Batavia and the Forest Preserve District of Kane County jointly completed improvements on the Braeburn Marsh in the spring of 2011. The work was completed under a United States Army Corps of Engineers Permit and as part of the permit requires a five-year monitoring and reporting period. The monitoring period is necessary for acceptance of the mitigation efforts by the permit agencies.

Individually the City of Batavia (COB) and the Forest Preserve District of Kane County (FPDKC) are responsible for the West Side and East Side, respectively, of the Braeburn Marsh, although efforts will be combined when possible to make this process go as smooth as possible. WBK has prepared this contract just for the West Side for COB and put together a separate contract for the East Side for the FPDKC. Ultimately the Army Corps wants to see one report for the entire area as that is how the permit was originally approved and the report will be assembled as such after information has been collected for each side.

This contract covers the costs associated with field assessments of the vegetation, done annually in late spring/early summer and again in late summer/early fall that will be summarized in the annual report to be submitted by January 31st each year until acceptance. Staff worked with WBK who has prepared and submitted the first year. The second part of the contract relates to Maintenance Contractor Coordination and Permit Coordination. Staff will be bringing the maintenance portion of the Braeburn Marsh/McKee Road Tributary back to a future City Service meeting, which will cover specific tasks for each year to help establish the vegetation, keep out the invasives, etc. in order to meet the Army Corps requirements for close out of the permit at approximately the five year mark. WBK will provide coordination with the selected contractor and discuss the status of the Marsh during a field meeting. Again it is the desire of both parties, COB and FPDKC, to put a package out to bid together and get more competitive prices and keep both of our bottom line costs down. The last item is working with the permitting agency, United States Army Corps of Engineers, to confirm all permit requirements have been met.

Cc: Noel Basquin, City Engineer
File – Braeburn Marsh Maintenance

S:\Eng Shared\CIP\Stormwater\SWC_09_002_Braeburn\5 yr Maintenance\Correspondence\Memo\M_13_01-23_Braeburn Marsh Monitoring CS.docx

CITY OF BATAVIA, ILLINOIS

RESOLUTION 13-14-R

AUTHORIZING EXECUTION OF THE CONTRACT FOR BRAEBURN MARSH RESTORATION MONITORING AND MAINTENANCE COORDINATION WITH WILLS BURKE KELSEY ASSOCIATES (WBK)

WHEREAS, the City of Batavia has identified the need for implementation of monitoring of recently constructed wetland mitigations at the McKee Road Tributary; and

WHEREAS, the City of Batavia requested a proposal from a qualified professional on the project; and

WHEREAS, Wills Burke Kelsey has submitted a proposal which is fair and reasonable for a five-year monitoring project; and

WHEREAS, the engineering company of Wills Burke Kelsey Associates has the appropriate expertise and experience necessary to provide environmental engineering services; and

WHEREAS, the total cost of said environmental engineering services is in the amount not to exceed $25,591.11; 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 Wills Burke Kelsey Associates of St. Charles, Illinois, for natural resource services in the amount not to exceed $25,591.11. The Contract is attached hereto as Exhibit "1".

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this 4th day of February, 2013.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 4th day of February, 2013.

_____

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Sparks				
2	Dietz					Wolff				
3	Chanzit					Jungels				
4	Volk					Stark				
5	Frydendall					Thelin Atac				
6	Liva					Clark				
7	Tenuta					Brown				
Mayor Schielke										

VOTE: Ayes Nays Absent 0 Abstention(s) counted as _____
Total holding office: Mayor and 14 aldermen

ATTEST:

_____

Heidi L. Wetzel, City Clerk

S:\Eng Shared\CIP\Stormwater\SWC_09_002_Braeburn\5 yr Maintenance\Legal\Resolution\13-14-R Authorizing Execution with WBK.docx

116 West Main Street, Suite 201
St. Charles, Illinois 60174
Phone: 630.443.7755
Fax: 630.443.0533
www.wbkengineering.com

WILLS BURKE KELSEY ASSOCIATES

January 23, 2013

Ms. Andrea Podraza, P.E., CFM
City of Batavia, Engineering Department
100 North Island Avenue
Batavia, IL 60510

Subject: Proposal for Professional Natural Resource Services
Braeburn Marsh Restoration Monitoring and Maintenance Coordination

Dear Ms. Podraza:

Wills Burke Kelsey Associates, Ltd. (WBK) is pleased to provide this proposal for Natural Resource Services related to the monitoring and maintenance coordination of the Braeburn Marsh Restoration Project Site. Monitoring is required for a 5-year period for the project sites to meet the environmental performance standards set in the US Army Corps of Engineers permit for the Braeburn Marsh Restoration Project.

Preparing this proposal requires the exercise of professional engineering judgment, and as such, this proposal remains the proprietary instrument of service of the firm Wills Burke Kelsey Associates. No portion of this proposal may be shared with another firm providing similar services. Included below is our understanding of the assignment, scope of services, and estimate of fee.

UNDERSTANDING OF THE ASSIGNMENT

Wills Burke Kelsey Associates, Ltd. understands that the City of Batavia is requesting monitoring services per the USACE Permit (LRC-2010-91) for the Braeburn Marsh Restoration Project. WBK understands that a monitoring program is necessary for the acceptance of the mitigation efforts by the permit agencies.

WBK understands that there are two separate owners and permittees of the Braeburn Marsh Restoration Project area. The western portion of the project area within Braeburn Marsh located west of Randall Road, east of Hamilton Way, south of South Drive, and north of Mill Street is the responsibility of the City of Batavia. The eastern section of the project area within Braeburn Marsh located east of Randall Road, west of Western Avenue, south of Fabyan Parkway, and north of Haines Drive is the responsibility of the Forest Preserve District of Kane County. This proposal is for the western portion of the project area only.

In addition, we anticipate that certain maintenance activities will be required during the establishment period, and WBK is to recommend those activities to the City of Batavia who will contract with others to perform the maintenance. WBK will then coordinate maintenance activities in the field.

We have broken down our understanding of the above assignment into the Scope of Services as follows.

SCOPE OF SERVICES

This proposal is for a period of five years; January 31, 2013 through January 31, 2017.

TASK 1 – ANNUAL VEGETATION MONITORING FIELD ASSESSMENT: WBK will provide an annual monitoring program that meets the requirements of the USACE 404 Permit requirements. The bi-annual monitoring program will include an overall assessment of the wetland mitigation area, in the spring or early summer and in the late summer or early fall. The site review will assess the amount of vegetative cover, whether or not the planted species are present, and identification of any invasive, weedy species requiring maintenance. We will work with the City of Batavia and their landscape contractor to ensure that all activities undertaken as part of the wetland mitigation are identified in the reporting to demonstrate to the resource agencies, including the USACE, the efforts undertaken to meet the requirements of the permit.

TASK 2 – ANNUAL VEGETATION MONITORING REPORT: WBK will prepare an annual monitoring report and submit to the United States Army Corps of Engineers and Kane County as part of the permit requirements. The annual report will include a summary of the site assessment and a set of recommendations for maintenance. These recommendations will include modifications to soil conditions, fertilization, the use of herbicides, control burn, mowing requirements, and other relevant husbandry practices. This task will only be completed in conjunction with the ANNUAL VEGETATION MONITORING FIELD ASSESSMENT.

TASK 3A – MAINTENANCE CONTRACTOR COORDINATION: WBK will attend one field meeting per year with the selected landscape contractor at the Braeburn Marsh Restoration Site. The meeting agenda will consist of the following items; wetland mitigation area site walk, review of previous seeding, planting, and maintenance work that has been completed, required permitted tasks that need to be completed, and a schedule of maintenance items. The meeting outcome will be discussed and used in preparation of the annual maintenance and monitoring report. We will provide a summary of the meeting agenda in a meeting note format following the site visit with the landscape contractor to the City of Batavia.

TASK 3B – MAINTENANCE CONTRACTOR COORDINATION: WBK will meet the maintenance contactor on-site on an as-needed and on-call basis to direct maintenance activities and provide oversight to ensure the tasks are being carried out according to the permit requirements. WBK will be available to the contractor via phone or email throughout the year for questions regarding maintenance tasks on the Braeburn Marsh Restoration Site. The City of Batavia will be billed for this task on a Time and Materials basis according to the attached Schedule of Charges.

TASK 4 – PERMIT AGENCY COORDINATION: WBK will coordinate with all permit agencies and local government offices to ensure compliance of the project with the permit requirements during the final year of maintenance and monitoring. WBK will set up and attend one field meeting with the permit agencies to review the project maintenance and monitoring and request permit sign-off.

ESTIMATE OF FEE

We have provided a fee estimate for each of the above 4 tasks for each year of the permit-required maintenance and monitoring period of 5-years. The yearly sub-total and 5-year overall total is presented below. Reimbursable expensed may include delivery services, mileage, copies and prints, etc. Copies and prints for the City of Batavia will not be included in this cost; however, copies and prints for permit agencies may be included.

Year	Task	Cost
2013	Task 1 – Annual Vegetation Monitoring Field Assessment	$ 1,500.00
	Task 2 – Annual Vegetation Monitoring Report	$ 2,000.00
	Task 3A – Maintenance Contractor Coordination	$ 1,000.00
	Reimbursable Expenses	$ 100.00
	Sub-Total	**$ 4,600.00**
2014	Task 1 – Annual Vegetation Monitoring Field Assessment	$ 1,545.00
	Task 2 – Annual Vegetation Monitoring Report	$ 2,060.00
	Task 3A – Maintenance Contractor Coordination	$ 1,030.00
	Reimbursable Expenses	$ 100.00
	Sub-Total	**$ 4,735.00**
2015	Task 1 – Annual Vegetation Monitoring Field Assessment	$ 1,591.35
	Task 2 – Annual Vegetation Monitoring Report	$ 2,121.80
	Task 3A – Maintenance Contractor Coordination	$ 1,060.90
	Reimbursable Expenses (Cost Plus 10%)	$ 100.00
	Sub-Total	**$ 4,874.05**
2016	Task 1 – Annual Vegetation Monitoring Field Assessment	$ 1,639.09
	Task 2 – Annual Vegetation Monitoring Report	$ 2,185.45
	Task 3A – Maintenance Contractor Coordination	$ 1,092.73
	Reimbursable Expenses	$ 100.00
	Sub-Total	**$ 5,017.27**
2017	Task 1 – Annual Vegetation Monitoring Field Assessment	$ 1,688.26
	Task 2 – Annual Vegetation Monitoring Report	$ 2,251.02
	Task 3A – Maintenance Contractor Coordination	$ 1,125.51
	Task 4 – Permit Agency Coordination	$ 1,200.00
	Reimbursable Expenses	$ 100.00
	Sub-Total	**$ 6,364.79**
	5-Year Total (Excludes Time and Materials)	**$ 25,591.11**

We propose to bill you monthly based on the attached Schedule of Charges. We establish our contract in accordance with the attached General Terms and Conditions. These General Terms and Conditions are expressly incorporated into and are made an integral part of this contract for professional services.

If this proposal is acceptable, please sign both copies and return one (1) to us for our files to serve as a notice to proceed.

Thank you for the opportunity to continue to provide service to the City of Batavia. If you have any questions, please do not hesitate to call.

Sincerely,

John Wills, P.E., CPESC
President

Encl: Schedule of Charges (2013)
General Terms and Conditions (September 30, 2010)

THIS PROPOSAL, SCHEDULE OF CHARGES, AND GENERAL TERMS & CONDITIONS ACCEPTED FOR THE CITY OF BATAVIA:

BY: _____

TITLE: _____

DATE: _____

AGREEMENT

THIS AGREEMENT, made this 22nd day of January, 2013 by and between the CITY OF BATAVIA, (hereinafter referred to as the "City"), and Wills Burke Kelsey Associates (WBK), (hereinafter referred to as the "Company), with regard to certain services in connection with the **BRAEBURN MARSH RESTORATION MONITORING AND MAINTENANCE COORDINATION** Project (hereinafter referred to as the "Project".)

NOW THEREFORE, the City and the Company, in consideration of the mutual covenants hereinafter set forth, agree to as follows:

1. The Company agrees to perform services in connection with the Project as hereinafter stated. The Company shall at all times observe and comply with all laws, ordinances, and regulations of the federal, state, and local governments, which may in any manner affect the preparation of proposals or the performance of the Agreement.

2. The Company has made a proposal to the City, dated January 18, 2013, attached hereto Exhibit 1 and expressly made a part hereof, in response to the City's verbal Request for Proposal, after a meeting December 19, 2012.

3. This contract shall constitute the entire agreement and understanding by and between the parties hereto, and it shall not be considered modified, altered, changed, or amended in any respect unless done so in writing with signatures by both the City and the Company.

4. The terms and conditions of this agreement shall be the sole terms and conditions followed for this Agreement, unless otherwise approved in writing by the City Attorney and attached as an exhibit to this agreement. Any and all terms and conditions contained in Company's Proposal shall be superseded by the terms and conditions of this agreement.

5. The Company shall obtain, at its own expense, all permits and licenses which may be required to complete the Agreement, and/or required by federal, state, and local regulations and laws.

6. The City does not discriminate on the basis of handicapped status in the admission of, access to, or treatment of employment in its programs and activities.

7. Illinois Prevailing Wages: Contractor shall not pay less than the prevailing rates of wages to all laborers, workmen, and mechanics performing work under this contract, and shall comply with the requirements of the Illinois Wages of Employees on Public Works Act 820 ILCS 130/1-12 including, without limitation, the submission of certified monthly payroll reports as required by 820 ILCS 130/5. The contractor is advised that failure to timely submit such reports shall be cause for the withholding of payments otherwise due the contractor until compliance with the reporting requirements is achieved. The current Illinois Department of Labor Prevailing Wage Rates for the County of Kane are available at their website http://www.state.il.us/agency/idol/. Prevailing wage rates are subject to revision monthly. Copies of the current prevailing wage rates are also available at the Kane County Purchasing Department, 719 Batavia Avenue, Geneva, Illinois.

Any bond furnished under this contract shall include such provisions as will guarantee the faithful performance of such prevailing wage clause as provided by the contract.

The Contractor and each of his Sub-Contractors shall pay each of his employees engaged in work on the project under this Contract in full (less deductions made mandatory by law) not less often than once each week.

8. Any payment made to the Company shall be strictly on the basis of quantum meruit. The Company shall submit to the City a detailed breakdown of hourly rates billed to date with each pay request. The detailed breakdown shall be based on the hourly rate breakdown contained in the approved proposal. The City will pay the Company for the performance of the Agreement as follows:

   a. Monthly payments based on actual work satisfactorily completed, less 10% retainage until final completion of the work

   b. The total Agreement payment shall not exceed $25,591.11.

   c. Additions or deductions to the approved total amount for services shall be authorized in writing by the City. Any out of scope work must be authorized in writing by the City. Any work performed without written approval from the City shall be solely at the expense of the Company.

   d. Final payment to the Company will be made once the project has been completed, all paperwork completed and turned into the City of Batavia and/or State of Illinois, and approved with the State of Illinois and/or the City of Batavia.

9. The Company will perform those phases of the Project to which this Agreement applies, and will give consultation and advice to the City during the performance of the services.

10. The Company will provide certificates of insurance evidencing the types and limits of insurance. Each insurance company shall be acceptable to the City. The General Liability coverage shall name the City as an additional named insured. All insurance is primary, and in no event will be considered contributory to any insurance purchased by the City. All insurance will not be canceled, reduced, or materially changed without providing the City thirty (30) days advance notice, via certified mail.

    The Company shall not commence work under this contract until they have obtained all insurance required and such insurance has been approved by the City, nor shall the Company allow any subcontractors (hereafter Subs) to commence work on their subcontract until the same insurance has been obtained by the Sub. The Company and their Subs shall maintain all insurance for not less than one (1) year after completion of this contract

    Special Requirement: If the Company is an architectural or engineering firm, said Company shall also file a certificate of insurance for professional liability, errors and omissions coverage subject to final acceptance by the City of said coverage.

11. The Company will provide the services as required herein in accordance with the Project Schedule.

12. The Company will attend conferences and visit the site of the work as may be outlined in the Request for Proposal at any reasonable time when requested to do so by the City.

13. The Company warrants that they are technically qualified and entirely conversant with the requirements of this Project; and that they have sufficient properly trained, organized, and experienced personnel and/or subcontractors to perform the services enumerated herein.

14. The City and the Company each binds themselves and their partners, successors, executors, administrators, and assigns to the other party of this Agreement and to the partners, successors, executors, administrators, and assigns of such other party, in respect to all covenants of this Agreement; except as above, and as noted in the attachments, neither the City not the Company shall assign, subcontract, or transfer their interest in this Agreement without the written consent of the other. Nothing herein shall be construed as creating any personal liability on the part of any officer or agent of any public body, which may be a party hereto, nor shall it be construed as giving any rights or benefits hereunder to anyone other than the City and Company.

    The Company may subcontract portions of the work upon written approval from the City. These Subs shall conform, in all respects, to the applicable provisions specified and shall further be subject to approval by the City. The Company shall identify all proposed Subs who will furnish services under the terms of this proposal. The work to be done by the Subs shall be outlined in detail in the proposal submitted by the Company. None of the services to be furnished by the Company shall be subcontracted, assigned, or transferred to any other party or parties without the written consent if the City. The consent to subcontract, assign, or otherwise transfer any portion of the services to be furnished by the Company shall not be construed to relieve the Company of any responsibility for the fulfillment of this Agreement. Any request for payment to the company, for work that was subcontracted, shall be supported with a waiver of lien and contractor's affidavit indicating the subcontractor has been paid and waives any lien on the project or funds for the project.

15. Company shall indemnify, protect, defend and hold the City and its employees harmless from and against any and all claims, liabilities, judgments, costs, damages and expenses, including reasonable attorney's fees, arising out of or in any way related to the work preformed pursuant to this contract, including all work preformed by its employees, agents, sub-contractors and assigns, except to the extent that such claim, liability, judgment, cost, damage or expense arises from the negligence or willful misconduct of the City, its employees or agents.

16. The City agrees to review each and every phase of the Project as in the aforementioned proposal in a timely manner. Upon approval of each phase, the Company shall then proceed to the next phase.

17. All drawings, specifications, reports, and any other project documents prepared by the Company in connection with any or all of the services to be furnished thereunder shall be

delivered to the City for the expressed use of the City. The Company does have the right to retain original documents, but shall cause to be delivered to the City such quality of documents so as to assure total reproducibility of the documents delivered. All information, worksheets, reports, design calculations, plans, and specifications shall be the sole property of the City unless otherwise specified in the negotiated agreement. The Company agrees that the basic survey notes and sketches, charts, computations, and other data prepared or obtained by the Company pursuant to the Agreement will be made available, upon request, to the City without cost and without restriction or limitations as to their use. All field notes, test records, and reports shall be available to the City upon request.

18. The City reserves the right by written amendment to make changes in requirements, amount of work, or engineering time schedule adjustments. The Company and the City shall negotiate appropriate adjustments acceptable to both parties to accommodate any changes.

19. The City may, at any time by written order, require the Company to stop all or part of the services required by this Agreement. Upon receipt of such an order the Company shall immediately comply with its terms and take all steps to minimize the occurrence of costs allocable to the services covered by the order. The City will pay for costs associated with suspension provided, they are deemed reasonable by the City.

20. The City reserves the right to terminate the whole or any part of this Agreement, upon ten (10) calendar day's written notice to the Company. The City further reserves the right to cancel the whole or part of the Agreement, if the Company fails to perform any of the previsions in the Agreement of fails to make delivery within the time stated. The Company will not be liable to perform if situations arise by reason of acts of God or public enemy, acts of City, fires, or floods.

    a. Should any of the key personnel identified in the Proposal become unavailable to work on the project, and no permanent substitute personnel reasonably satisfactory to the City is provided by the Company within thirty (30) days, and/or no temporary replacement personnel is provided by the Company immediately following the commencement of the subject Key Personnel's unavailability, the City may, at its election, declare such contract terminated and at an end, reserve the right to maintain and action to recover damages arising due to breach of contract

    b. The City reserves the right to terminate in whole or any part of this contract, upon written notice to the Company, in the event of default by the Company. Default is defined as failure of the Company to perform any of the provisions of this contract of failure to make sufficient progress so as to endanger performance of this contract in accordance with its terms. In the event of default and termination, the City ay procure, upon such terms and in such manner as the City may deem appropriate, supplies or services similar to those so terminated.

    The Company shall be liable to the City for all excess costs for such similar supplies or service unless evidence is submitted to the City that in the sole opinion of the City clearly proves that failure to perform the contract was due to causes beyond the control and without the fault or negligence of the Company.

c. Upon termination, the Company shall cause to be delivered to the City all surveys, reports, permits, agreements, calculations, drawings, specifications, partially and completed estimates, and data, as well as products of computer aided drafting, design, and writing that have been paid for by the City. Cost of termination incurred by the Company before the termination date will be reimbursed by the City only, if prior to the effective termination date, the City receives from the Company a list of actions necessary to accomplish termination and the City agrees in writing that those actions be taken. Upon receipt of the termination notice, the Company shall stop all work until said Agreement is reached.

21. The City agrees to notify the Company at least twenty-four (24) hours in advance of the need for personnel or services.

22. Nothing contained in this Agreement, nor the performance of the parties hereunder, is intended to benefit, nor shall inure to the benefit of, any third party, including the City's Contractors, if any.

23. An notice relating to claims for damages or relating to allegations of default shall be in writing and shall be made by certified or registered mail, postage prepaid, return receipt requested, or reliable overnight courier, to the parties as follows:

If to Company:	Wills Burke Kelsey Associates 116 W Main Street, Suite 201 St. Charles, IL 60174
with copy to:	Attorney
If to the City:	City of Batavia Attention: City Clerk 100 North Island Avenue Batavia, IL 60510
with copies to:	City of Batavia Attention: City Engineer 100 N. Island Avenue Batavia, IL 60510
and:	City of Batavia Attention: City Attorney 100 North Island Avenue Batavia, IL 60510

24. This Agreement contains the entire agreement between the parties. No other writing, discussion or any other communication about possible terms is to be construed as forming part of the agreement between the parties. Any terms and conditions submitted by the Company as part of its proposal are specifically disavowed and such terms and conditions shall not supersede this Agreement.

25. This Agreement shall be binding upon the partners, heirs, successors, executors, administrators, and assigns of all the parties hereto.

26. This Agreement shall be construed in accordance with the laws of the State of Illinois. Venue for any litigation arising from this Agreement shall be limited to the Courts of the Sixteenth Judicial Circuit, Kane County, Illinois.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed on the date first above written.

CITY OF BATAVIA, an Illinois Municipality,

By: _____
Mayor

Attest:

By: _____
City Clerk

Company,

By: _____
President

Attest:

By: _____
~~Secretary~~ Vice President

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WILLS BURKE KELSEY ASSOCIATES, LTD.
2013 Standard Charges for Professional Services

Classification	Hourly Rate
Principal	$ 205
Engineer VI	$ 196
Engineer V	$ 165
Engineer IV	$ 140
Engineer III	$ 108
Engineer II	$ 90
Engineer I	$ 80
Engineering Technician IV	$ 138
Engineering Technician III	$ 116
Engineering Technician II	$ 97
Engineering Technician I	$ 81
Senior Structural Engineer	$ 155
Senior Soil / Environmental Scientist V	$ 151
Soil / Environmental Scientist	$ 110
Environmental Resource Specialist IV	$ 113
Environmental Resource Specialist III	$ 100
Environmental Resource Specialist II	$ 81
Environmental Resource Specialist I	$ 75
Resource Planner V	$ 144
Resource Planner IV	$ 95
Resource Planner III	$ 87
Resource Planner II	$ 77
Survey III	$ 115
GIS Analyst	$ 88
Engineering Intern	$ 45
Administrative	$ 77
Office Professional	$ 62
Direct Costs: Copies & Prints, Messenger & Delivery Services, Mileage, etc.	Cost +10%

Charges include overhead and profit.

Wills Burke Kelsey Associates, Ltd. reserves the right to increase these rates and costs by 5% effective January 1, 2014.

CITY OF BATAVIA

TO: Alderman James Volk, Chairman City Services Committee

FROM: Randy Banker, Deputy Fire Chief

DATE: January 16, 2013

RE: Resolution 13- 05-R Declaring Surplus Property

We recently took possession of our new Ford F550 Squad and it is now in service. This vehicle was a replacement for a 1991 GMC/Pierce Squad Pumper. I would like to recommend that we declare the 1991 GMC/Pierce Squad Pumper surplus property so that we may sell or auction the vehicle

Please ask the City Services Committee to approve Resolution 13-05-R, declaring this vehicle surplus property at your January 29, 2013 meeting, and bring the Resolution to the full City Council for approval at their February 4, 2013 meeting.

If you have any questions or require additional information, please contact me.

RB/cjc

cc: Jeffery D. Schielke, Mayor
City Council
William McGrath, City Administrator
Jason Bajor, Assistant City Administrator
Heidi Wetzel, City Clerk
Peggy Colby, Finance Director
Randy Deicke, Fire Chief

CITY OF BATAVIA, ILLINOIS
RESOLUTION 13-05-R

A RESOLUTION DECLARING CERTAIN PERSONAL PROPERTY TO BE SURPLUS AND AUTHORIZING SALE THEREOF

BE IT RESOLVED by the City Council of the City of Batavia, Kane and DuPage Counties, Illinois as follows:

SECTION 1: That the following property is no longer usable by the City of Batavia, Fire Department, and is hereby declared to be surplus property:

1991 GMC/PIERCE SQUAD PUMPER
VIN # 1GDM7H1JMJ517323

SECTION 2: That the Fire Department is hereby authorized to sell the above listed surplus property.

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, on this 4th day of February, 2013.

APPROVED by me as Mayor of said City of Batavia, Illinois, on this 4th day of February, 2013.

_____
Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Sparks				
2	Dietz					Wolff				
3	Jungels					Chanzit				
4	Volk					Stark				
5	Frydendall					Thelin Atac				
6	Liva					Clark				
7	Tenuda					Brown				
Mayor Schielke										

VOTE: Ayes Nays 0 Absent Abstention(s) counted as _____
Total holding office: Mayor and 14 aldermen

ATTEST:

_____
Heidi Wetzel, City Clerk

CITY OF BATAVIA

DATE: January 24, 2013

TO: Community Development Committee

FROM: Drew Rackow AICP, Planner

SUBJECT: Ordinance 13-09: Grant of Variance for an Interior Side Setback
2647 Lusted Lane, James and Lillian Bouzide, Applicants

BACKGROUND

Jim and Lilly Bouzide, owners of 2647 Lusted Lane are seeking a variance from Table 2.104 of the Zoning Code to allow the construction of an elevator that would encroach up to three feet into the interior side setback. The property is located in the R0 zoning district, which requires a fifteen (15) foot setback from the side property line. The request would allow the elevator to have a twelve (12) foot setback. The Zoning Code allows some 3 foot encroachments in this setback, such as chimneys. As elevators shafts are not specifically listed as a permitted encroachment, a variance is required. For further details regarding this variance request, please review the staff memorandum to the Zoning Board of Appeals.

SUMMARY OF PUBLIC HEARING

The Zoning Board of Appeals conducted the Public Hearing on January 23rd. A neighboring property owner spoke, expressing his support for the request, believing that it would not negatively affect the neighborhood and would allow the Bouzides to fully enjoy their home.

Jim Bouzide addressed the Board stating that he and his wife had purchased the home to remain Batavia residents into retirement. He explained his and Mrs. Bouzide's medical needs for having an elevator, and that there are no homes available in Batavia that have an elevator. That they considered new construction and homes that already had elevators, but found that this home was their best option.

The Zoning Board of Appeals agreed that the requested variance was necessary to provide universal access in the home for the Bouzides. The Board noted that the request would be similar to other permitted encroachments such as a chimney. They agreed that it would be appropriate to consider the request as a reasonable accommodation under the Americans With Disabilities Act, and made a Finding specific to the accommodation. This finding is in addition to the other findings required by the Zoning Code included in draft Ordinance 13-09, attached..

ZONING BOARD OF APPEALS RECOMMENDATION

By a vote of 6-0, the Zoning Board of Appeals recommended to the CDC approval of the variance as presented.

STAFF RECOMMENDATION

Staff recommends the CDC recommend approval of Ordinance 13-09, as presented.

Attachments

1. Draft Ordinance 13-09
2. Draft Zoning Board of Appeals Minutes
3. Variance Application Submittal

c Mayor and City Council
Department Heads
James and Lillian Bouzide, applicants

CITY OF BATAVIA, ILLINOIS
ORDINANCE 13-09

GRANT OF VARIANCE FOR AN INTERIOR SIDE SETBACK
James and Lillian Bouzide, Applicants
(2647 Lusted Lane)

ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 5th DAY OF FEBRUARY, 2013

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 6th day of February, 2013

Prepared by:

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

CITY OF BATAVIA, ILLINOIS
ORDINANCE 13-09

GRANT OF VARIANCE FOR AN INTERIOR SIDE SETBACK
James and Lillian Bouzide, Applicants
(2647 Lusted Lane)

WHEREAS, James and Lillian Bouzide, record Owners of 2647 Lusted Lane, legally described as:

> Lot 10 in Tanglewood Hills Unit 4, Being a Subdivision according to the plat thereof recorded June 30, 2005 as document number 2005K074861 in the City of Batavia, Kane County Illinois.

has filed an application for a Zoning Variance from Table 2.104 of the Zoning Code, to allow the construction of an elevator on the single family residence to project up to three (3) feet into the required interior side building setback area providing a twelve (12) foot interior side setback rather than the required fifteen (15) feet; and

WHEREAS, notice was duly executed and a public hearing held by the Zoning Board of Appeals on January 24, 2013; and

WHEREAS, the Zoning Board of Appeals made the following findings of fact:

1. There are unique circumstances applicable to the property, including its size, shape, topography, location or surroundings, where strict application of the Zoning Code would create a hardship or other practical difficulty, as distinguished from a mere inconvenience, and deprive the property owner of property rights enjoyed by other property owners in the same zoning district.

Finding: The existing property contains a single family home developed in accordance with the Zoning Code and in a manner typical for the Tanglewood Hills Subdivision. A unique circumstance exists in that the property owners have demonstrated a need due to disability. It would be a hardship to prevent full universal access and use of all levels of their home. The requested variance would provide a reasonable accommodation from the Zoning Code to allow the homeowner full enjoyment of their property.

2. Such unique circumstances were not created by the current or previous owners or applicant.

Finding: The disability of the homeowners creates a unique circumstance that has not been created by the current or previous owners of the property.

3: The property cannot yield a reasonable return or be reasonably used for the purpose intended by the Zoning Code under the regulations in the district in which it is located.

Finding: The property has been developed for a single family residence and has been used in that manner. The current home owners cannot yield a reasonable return on the use of their home and would not enjoy unencumbered access to their home without a variance. It is a reasonable accommodation to yield appropriate reasonable use of the property.

4. The variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

Finding: All properties in this zoning district are allowed to have certain encroachments of 3 feet into the interior side setback. This variance would be consistent with that existing allowance. In addition, their need precipitated by their medical needs is a unique situation specifically attributable to this property only.

5. The variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or the public welfare in general.

Finding: The proposed elevator is designed to be integrated with the residence and is consistent in design with other encroachments that are permitted in the interior side setback. The proposed variance is consistent with the design, materials and appearance of other homes in the area and would not be a detriment.

6. Reasonable Accommodation.

Finding: The request is an appropriate use of the Americans with Disabilities Act provisions for reasonable accommodation . The variance would allow applicants full access within their home. The request would not be burdensome for the City to implement and would not materially change existing City requirements.

WHEREAS, following said hearing, the Zoning Board of Appeals recommended that the requested variance be granted; and

WHEREAS, on January 29, 2013, the Community Development Committee reviewed the application and record of the hearing, and recommended approval of a Zoning Variance from Table 2.104 of the Zoning Code, to allow the construction of an elevator on the single family residence to project up to three (3) feet into the required interior side building setback area providing a twelve (12) foot interior side setback rather than the required fifteen (15) feet; and

WHEREAS, following arriving at said conclusions, the Community Development Committee recommended approval of the proposed variance in accordance with the Zoning Board of Appeals recommendation**.**

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

SECTION 1: That the application of James and Lilly Bouzide, for approval of a Zoning Variance from Table 2.104 of the Zoning Code, to allow the construction of an elevator on the single family residence to project up to three (3) feet into the required interior side building setback area providing a twelve (12) foot interior side setback rather than the required fifteen (15) feet, is approved.

SECTION 2: That this Ordinance 13-09 shall be in full force and effect upon its presentation, passage and publication according to law.

PRESENTED the City Council of the City of Batavia, Illinois, this 5th day of February, 2013.

PASSED by the City Council of the City of Batavia, Illinois, this 5th day of February, 2013.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 5th day of February, 2013

_____

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Sparks				
2	Dietz					Wolff				
3	Jungels					Chanzit				
4	Volk					Stark				
5	Frydendall					Atac				
6	Liva					Clark				
7	Tenuta					Brown				
Mayor Schielke										

VOTE: Ayes Nays Absent Abstention(s)
Total holding office: Mayor and 14 aldermen

ATTEST:

_____

Heidi Wetzel, City Clerk

DRAFT

MINUTES
January 23, 2013
BATAVIA ZONING BOARD OF APPEALS
City of Batavia

1. Meeting Called to Order
Chairman Schneider called the meeting to order at 7:00pm.

2. Roll Call

Members Present: **Chair Schneider; Vice-Chair Joseph; Commissioners Gosselin, Harms, Peterson, and Weiss**

Members Absent: **Commissioner LaLonde**

Also Present: **Plan Commissioner Tilmon; Scott Buening, Director of Community Development; Joel Strassman, Planning and Zoning Officer; Jeff Albertson, Bldg. Commissioner; Drew Rackow, Planner; and Jennifer Austin-Smith, Recording Secretary**

3. Items Removed/Added/Changed
There were no items to be removed, added or changed.

4. Approval of Minutes: January 9, 2013

Motion: To approve the minutes from January 9, 2013
Maker: Peterson
Second: Harms
Voice Vote: 6 Ayes, 0 Nays, 1 Absent
All in favor. Motion carried.

5. Public Hearing: Variance for an Interior Side Setback 2647 Lusted Lane, Jamnes and Lillian Bouzide, Applicants
Rackow reported that the side yard setback variance is for the property on 2647 Lusted Lane. The purpose of the request is to build an elevator onto the house. Mr. and Mrs. Bouzide had included in their application an explanation and the medical need for the request. The applicant provided the original building plans for the house, a letter from the elevator contractor which explains why the location of the elevator would be the most optimal location from a cost and construction standpoint. Staff agrees with the contractor analysis.

The variance request is to reduce the interior side setback of the principal structure from the required fifteen feet to twelve feet. The variance would allow a reduction of three feet. The proposed elevator, attached to the house in the interior side setback area, is shown being as close as twelve feet, 5 inches from the east lot line on the submitted plans. The setback would be twelve feet, five inches but the overall reduction would be 12 feet rather than 15 feet which is required in the Single Family Residence District (R0).

Staff has been informed by legal counsel that staff could review this application with consideration of the Americans with Disabilities Act (ADA). ADA requires municipalities to make reasonable accommodations or modifications where necessary in order to provide universal access to homes. Staff recommends the Board approve the Findings of Fact as presented and recommend approval to the variance as presented to the Community Development Committee (CDC).

Chair Schneider opened the public hearing.

William Storie, 2611 Lusted Lane, reported that he is having a house built one lot away from the applicants. He sees no reason why this would not be an appropriate variance. He reasoned that the applicants bought the house and would like to enjoy the house. Storie added that he would like to keep the Bouzides as neighbors for a long time. As the only person here from the neighborhood, he stated that he is supportive and happy to have neighbors with an elevator in their home. He welcomed the Bouzides to the neighborhood and thanked the Board for their consideration.

Weiss asked Storie if his house would be facing the elevator side of the Bouzide's home. Storie answered that his house would be on the elevator side of their home.

Jim Bouzide, applicant, addressed the Board. He reported that a few months back he and his wife discussed where they would like to retire. After considering other places, they decided upon staying in Batavia. They love living in Batavia and do not want to move. They wanted to upgrade their house for retirement. They looked at the opportunities of homes already built and took advantage of the pricing. However, finding a home with an elevator already in it was impossible. They found this home and fell in love with it. Bouzide concluded that he would be happy to answer any questions that the board may have regarding their request to build an elevator.

Motion: To close the Public Hearing
Maker: Peterson
Second: Weiss
Voice Vote: 6 Ayes, 0 Nays, 1 Absent
Motion carried.

The Zoning Board of Appeals (ZBA) discussed permitted encroachments and reviewed the Findings of Fact.

Motion: To approve the Findings of Fact as presented
Maker: Harms
Second: Gosselin
Roll Call Vote: **Aye:** Schneider, Joseph, Gosselin, Harms, Peterson, Weiss
Nay: None
6-0 Vote, 1 Absent, Motion carried.

"Exhibit D"
to
Application for Zoning Variance

The following is submitted as our written narrative in support of our Application for Zoning Variance:

We purchased the subject property located at 2647 Lusted Lane, Batavia, Illinois on August 31, 2012. Since the purchase of the home, both of us have suffered continued deterioration in our mobility. Lillian is suffering from worsening arthritis and James has developed complications following recent back surgery that make it virtually impossible to negotiate the stairs from the first floor of the home to and from the second floor living spaces and the basement. We were hopeful that our mobility would improve and that an elevator would not be necessary but that is not the case.

We have since learned that the installation of the elevator that best suits our needs, and the location of the same, would result in an encroachment of the side yard building setback line by 2.6 feet, as shown in the site plan marked "Exhibit A" and attached to the Application for Variance. Upon learning of this, we contacted the owner of the neighboring vacant lot to discuss purchasing part of his lot to negate the necessity of a zoning variance. We were able to reach the neighboring property owner, however, we were not able to get him to respond to our request in a timely manner. His only response was to propose that we purchase the entire lot, which we unfortunately are not in a position to do at this time. Accordingly, we are now seeking this variance.

Strict adherence to the Zoning Code with regard to the side setback creates hardship and practical difficulties for us as more fully described in the letter of Stephen Crandall, Owner of To The Top Elevators dated December 19, 2012 that is marked "Exhibit F" and attached to the Application for Variance. The positioning of the elevator on the east side of the home maximizes the utility while still preserving the current structural design of the home and minimizing the esthetics of the exterior. Unfortunately, the only feasible location for the elevator results in a minor encroachment to the side yard building setback line as discussed above. We have attached several photos of the rear of the home, the east side of the home, the two rooms and the east side yard setback that would be affected by the installation of the elevator. As discussed by Mr. Crandall, there are only two viable locations for the elevator given the design of the home. The east façade offers the best alternative from an esthetic and design standpoint and best minimizes the impact of the construction. Locating the elevator anywhere else, while strictly conforming to the Zoning Code would result in significant structural and design changes to the home and would negatively affect the esthetics of the property as a whole. The requested variance is the least amount of relief that is necessary for the installation of the elevator that will allow us to continue to use the property as our residence without the burden of undue hardship or other practical difficulties.

We explored and considered the installation of chair lifts on the stairwells but the open design of the home and the stairwells is not conducive to the installation of such devices or the safe operation of the same without significant changes. In addition such devices do not offer the

same safety and lifting capability as an elevator and more negatively affect the design and esthetics of the home.

The requested variance is consistent with other side building setback variance for kick-outs and fireplaces and will blend with the current fireplace kick-out and air conditioning units on the east side of the home. Our neighborhood has large side building setbacks of 15 feet and the impact of the encroachment over the side setback of approximately 2.6 feet is minimal compared to smaller lots. As indicated by our contractor, the requested variance will result in an exterior appearance that blends well with the existing structure with the minimum affect to the property. The requested variance will allow for the construction of the elevator and still provide a significant side yard building setback of over 12 feet.

The requested variance and proposed construction when completed will not pose a threat to the health, safety and general welfare of the persons living or working in the neighborhood and will not be detrimental to the general welfare of the City.

Granting the requested variance will allow us to remain in our home as our health and mobility continue to deteriorate. The requested variance will enhance the livability of this property and its use as a single family residence not only for us but for future owners as well and will provide a home uniquely suitable for disabled persons and those and those suffering with similar mobility issues. As long time residents of Batavia, when searching for our new home, we wanted to remain within the City. Given the unique nature of this property, the neighborhood and the surrounding area, there simply were not similar alternatives in Batavia that were available to us at the time of purchase. The subject property is located in an area with newer, larger than average custom homes on larger than average lots. At the time of purchase, this property was our best alternative. We love this home and hope to be able to remain in it for a very long time. In order to do so, we need to be able to access all areas of the home.

We thank you in advance for your kind consideration and anticipated cooperation in this matter.

DuPage Medical Group
WE CARE FOR YOU

GLEN ELLYN ORTHOPAEDICS
430 Pennsylvania Avenue
Glen Ellyn IL 60137-4496
630-790-1872

December 17, 2012

To whom it may concern:

This is to certify that Lillian S Bouzide, date of birth: 3/7/1955:

would benefit from use of an elevator due to extreme arthritis.

The patient was seen on 8/23/12 by SAMUEL S PARK, MD.

Please call if you have further questions,

SAMUEL S PARK, MD

This letter (including any attachments) contains confidential information intended only for the addressee. Any use or disclosure by any other person is unlawful. If you are not the intended recipient, please notify our office immediately (630-469-9200) and we will make arrangements for the return of the information to DuPage Medical Group. You are hereby notified that any disclosure, copying, or distribution of this letter, or the taking of any action based on it, is strictly prohibited by law.

DuPage Medical Group
WE CARE FOR YOU

DUPAGE MEDICAL GROUP UROLOGY
25 North Winfield Road
Osb #405
Winfield IL 60190
630-790-1221

December 20, 2012

To whom it may concern:

Due to a medical condition resulting in chronic back pain and difficulty with ambulation it is warranted that an elevator be permitted to be installed in James M Bouzide, date of birth: 10/16/1951 residence.

The patient was seen on 10/29/12 by MARK B FISHER, MD.

Please call if you have further questions,

Mark Fisher/KB

MARK B FISHER, MD

This letter (including any attachments) contains confidential information intended only for the addressee. Any use or disclosure by any other person is unlawful. If you are not the intended recipient, please notify our office immediately (630-469-9200) and we will make arrangements for the return of the information to DuPage Medical Group. You are hereby notified that any disclosure, copying, or distribution of this letter, or the taking of any action based on it, is strictly prohibited by law.

To The Top Home Elevators

19 December 2012

James and Lilly Bouzide
2647 Lusted Lane
Batavia, IL 60510

Re: Residential Elevator for Bouzide Residence @ 2647 Lusted Lane

The rationale for positioning the proposed elevator and elevator hoist-way on the on the east side of the home is two-fold:

- Maximizes Utility
- Minimizes Construction

Maximizes Utility:
The home is a two story home on a residential street. The home is an open plan with public spaces that flow together and includes a 2 story great-room. The ideal place for an elevator in the home is within the public spaces: creating access without using another room as a pass-through for elevator access. The elevator and hoist-way require approximately 27 sq ft of space to be closeted for the elevator and rails. Within the existing floor plan – there isn't a reasonable location to position the elevator/hoist-way without an undue impact on the use of space within the home. Impacts included:

- The Great Room: – blocking substantial windows, un-centering the fireplace, blocking access form the front hall, making the dining room too small for a table. All of which undermine the primary design of the home.
- The Lower Level Office: blocking the rear/exterior access, blocking the access through the French doors, eliminating the space for the required desk etc. to function as an office.
- Living Room: the elevator would block the front windows, ruining the aesthetic of the front of the house and the living room could not function, as there would not be room for furniture and access to the elevator.
- Upper Bedrooms: the upper bedrooms of the living room and lower level office would be badly compromised.

Positioning the elevator on the exterior of the house as a small addition preserves the flow/function of the existing rooms. We considered positioning the elevator on all sides of the house:

- South Façade: The south or front side of the house would change the entire look and feel of the house and block the main window to the front.
- West Façade: The west façade of the house is not accessible on the upper and lower levels for elevator access – as the lower level requires access through the kitchen cabinetry.

210 W Campus Dr., Ste B Arlington Heights, IL 60004 (847) 215-9490 Fax (847) 590-1728 www.tothetopelevators.com

- North Façade: The public spaces of the home are on the north side and, as discussed above, do not lend themselves to an elevator. In addition – the 2nd floor does not extend to the north of the house through the great room. In the northeast corner the elevator would block the French doors and windows.
- East Façade: On the east façade – the elevator is contiguous with the best rooms for elevator access – the upper bedroom (near the closet and bathroom), the lower level office and the basement near mechanicals and utilizing an existing window well. The elevator will not block any windows on the upper levels and will be next to an existing bump-out on the 2nd floor. Also, there is already a bump-out on the east-facade of the house that the hoist-way will be contiguous with and help it to blend. The east side of the home is also where the exterior condensers are currently located.

The proposed location is the best location to provide the full access you need – and especially if a wheelchair or walker become necessary.

Minimize Construction:
The additional of the elevator hoist-way on the east side of the home is also the best location from a construction standpoint. There are several reasons for this:

- The hoist-way location will leverage the existing basement window opening for the elevator basement access. This will minimize the excavation and concrete cutting work given the existing window opening. This will lower the cost and speed up the process.
- The planned hoist-way in this location will not interfere with any of the existing mechanicals in the basement. This will also minimize the construction costs and any potential complications associated with the installation.
- In addition, the proposed hoist-way is located next to the existing electric service. This will minimize the difficultly and complexity of installing the required electrical service for the elevator.
- The open space adjacent to the proposed hoist-way in the basement will work well for the required elevator machine/control room. The location will minimize the "runs" from the machine/control room to the elevator – eliminating the need for excessive piping from the controls and mechanicals to the elevator itself. This too will minimize installation cost and time.

The proposed location is the also the best location from a construction standpoint – the area is easily accessible, will minimize complexity and reduce cost while maximizing the functionality of the elevator.

Summary:
The proposed location of the elevator will work best for the home – as it will preserve the function and design of the original home, maximize accessibility to/from the elevator and minimize the complexity of the construction as well as the cost.

210 W Campus Dr., Ste B Arlington Heights, IL 60004 (847) 215-9490 Fax (847) 590-1728 www.tothetopelevators.com

I am always available to answer any questions and look forward to assisting you with this project.

Sincerely,

Stephen Crandall
Owner

210 W Campus Dr., Ste B Arlington Heights, IL 60004 (847) 215-9490 Fax (847) 590-1728 www.tothetopelevators.com

First Floor Northeast Office – East Wall

First Floor Northeast Office – North Wall

Second Floor Northeast Bedroom – East Wall

Second Floor Northeast Bedroom – North Wall

Northeast Corner – North Exterior Wall

Northeast Corner – East Exterior Wall

East Exterior View looking South showing side yard

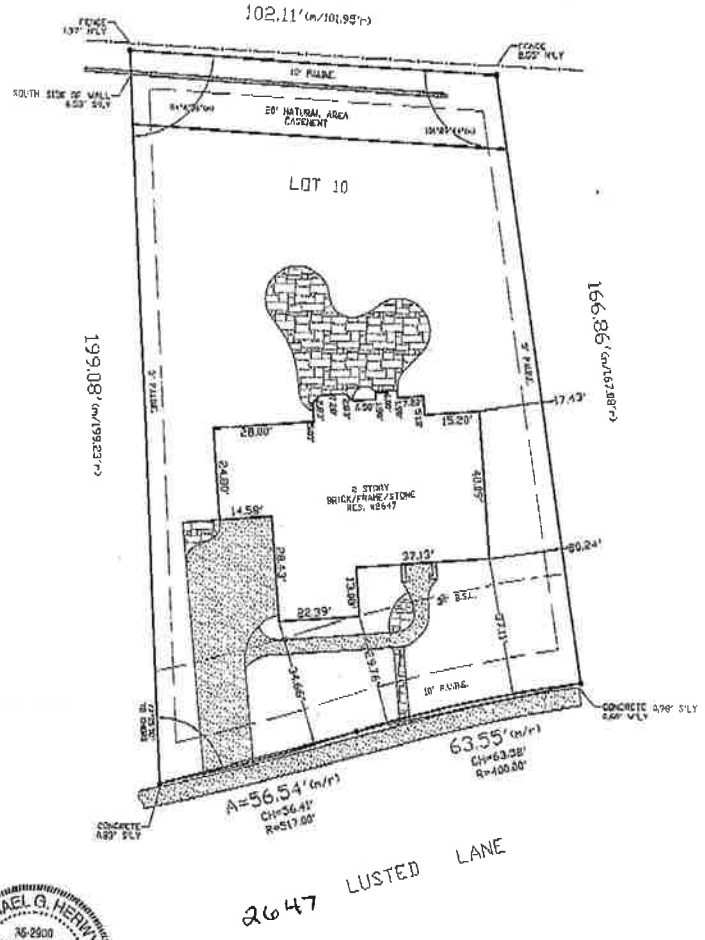
Associated Surveying Group, LLC
Illinois Prof. Design Firm No. 184-004973
P.O. Box 810 Bolingbrook, IL 60440
PH: 630-759-0205 FAX: 630-759-9291

PLAT OF SURVEY

LOT 10 IN TANGLEWOOD HILLS UNIT 4, BEING A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED JUNE 30, 2005 AS DOCUMENT NUMBER 2005K074851, IN THE CITY OF BATAVIA, KANE COUNTY, ILLINOIS.

SCALE 1" = 30'

Bouzide
630-640-9666



2647 LUSTED LANE

MICHAEL G. HERWY
35-2900
PROFESSIONAL LAND SURVEYOR
STATE OF ILLINOIS
BOLINGBROOK, IL

State of Illinois }
County of Will } SS

I, Michael G. Herwy, an Illinois Professional Land Surveyor, do hereby certify that "This professional service conforms to the current Illinois minimum standards for a boundary survey", and that the Plat hereon drawn is a correct representation of said survey.

Dated, this 16TH day of AUGUST, A.D., 2012, at Bolingbrook, Illinois.

Michael G. Herwy

Illinois Professional Land Surveyor No. 35-002900
License Expires: November 30, 2012

FIELDWORK DATE: AUGUST 16, 2012

CLIENT: KRC

JOB NO.: 72084-12

NOTES:
1. COMPARE THE LEGAL DESCRIPTION ON THIS PLAT WITH YOUR DEED, ABSTRACT, OR CERTIFICATE OF TITLE; ALSO, COMPARE ALL FIELD MEASURED LOT CORNERS & BUILDING TIES WITH THIS PLAT BEFORE CONSTRUCTION AND REPORT ANY DIFFERENCE AT ONCE.
2. BUILDING LINES AND EASEMENTS ARE SHOWN ONLY WHERE THEY ARE DO REPICTED ON THE RECORDED SUBDIVISION PLAT. REFER TO YOUR DEED, ABSTRACT, OR CERTIFICATE OF TITLE FOR ADDITIONAL ENCUMBRANCES.
3. MEASURED LOT DIMENSIONS ARE SHOWN ONLY WHEN THEY DIFFER FROM RECORD DIMENSIONS BY 0.10 FEET OR MORE.
4. CURVED LINES DENOTED WITH ARC LENGTHS UNLESS OTHERWISE NOTED. ALSO, ALL ARCS ARE TANGENT UNLESS OTHERWISE NOTED.

LEGEND:
ASPHALT, BRICK, WALL, CONCRETE, WOOD/PVC, ENCLOSED COVERED
SET IRON PIPE, CROSS
IRON PIPE, REBAR/ROD, NOTCH
PK NAILS AS NOTCH
CHAIN LINK FENCE
WOOD FENCE
ALL OTHER FENCE TYPES

ABBREVIATIONS:
A = ARC LENGTH
R = RADIUS
CH = CHORD LENGTH
(r) = RECORD VALUE
(m) = MEASURED VALUE
B.S.L. = BUILDING SETBACK LINE
P.U.E. = PUBLIC UTILITY EASEMENT
P.U.D.E. = PUBLIC UTILITY & DRAINAGE EASEMENT
NLY = NORTHERLY
SLY = SOUTHERLY
ELY = EASTERLY
WLY = WESTERLY
TYP = TYPICAL

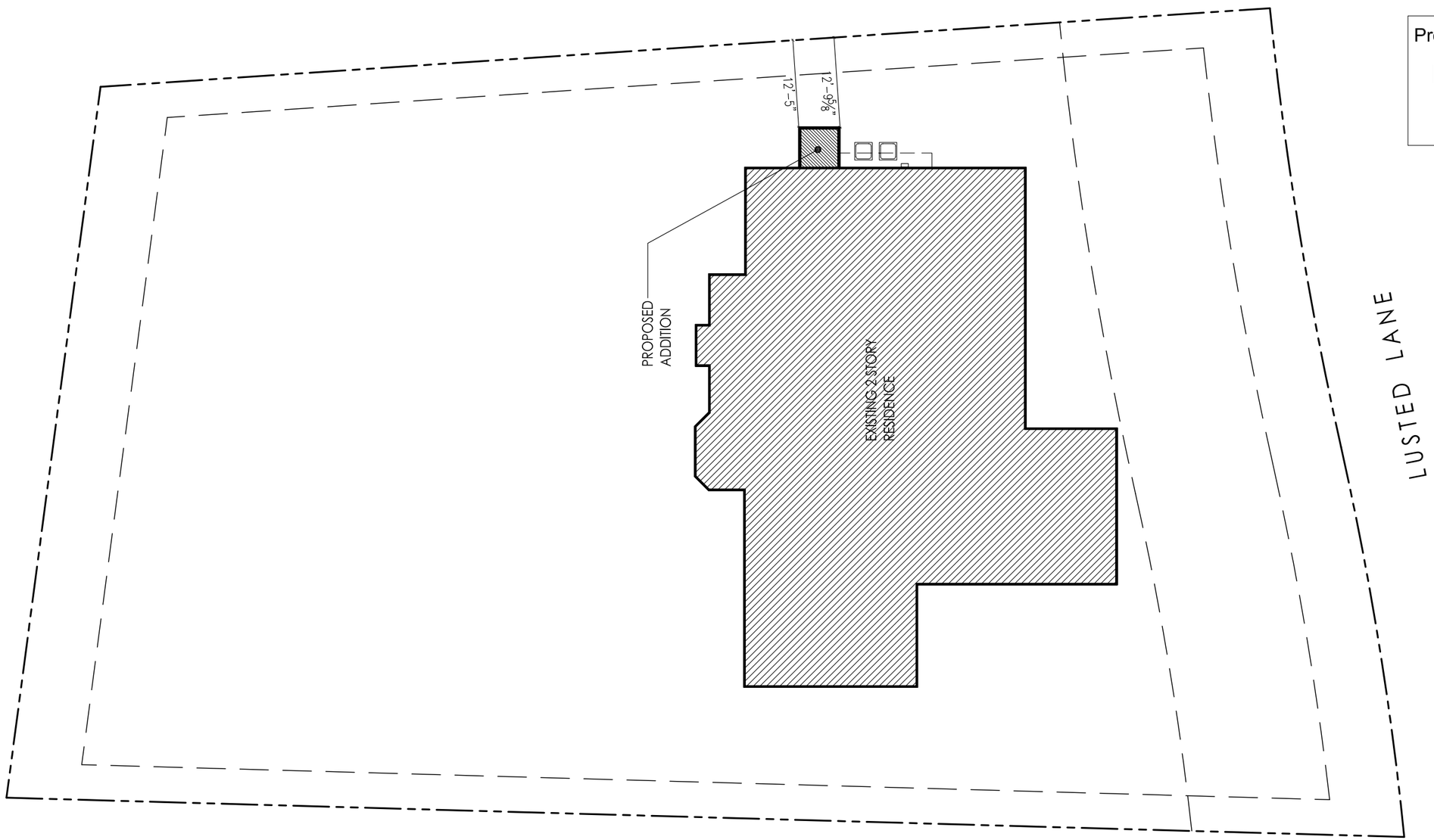
10.13.12

Spiegel Architects Inc.
10108 4TH STREET HIGHLAND, INDIANA 46322
T/F 219.924.9647
Brad@SpiegelArchitects.com

Proposed Residential Elevator

Bouzide Residence

2647 Lusted Lane
Batavia, IL 60510



SITE PLAN

Scale: 1/16" = 1'-0"

A-2

10.13.12

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Proposed Residential Elevator

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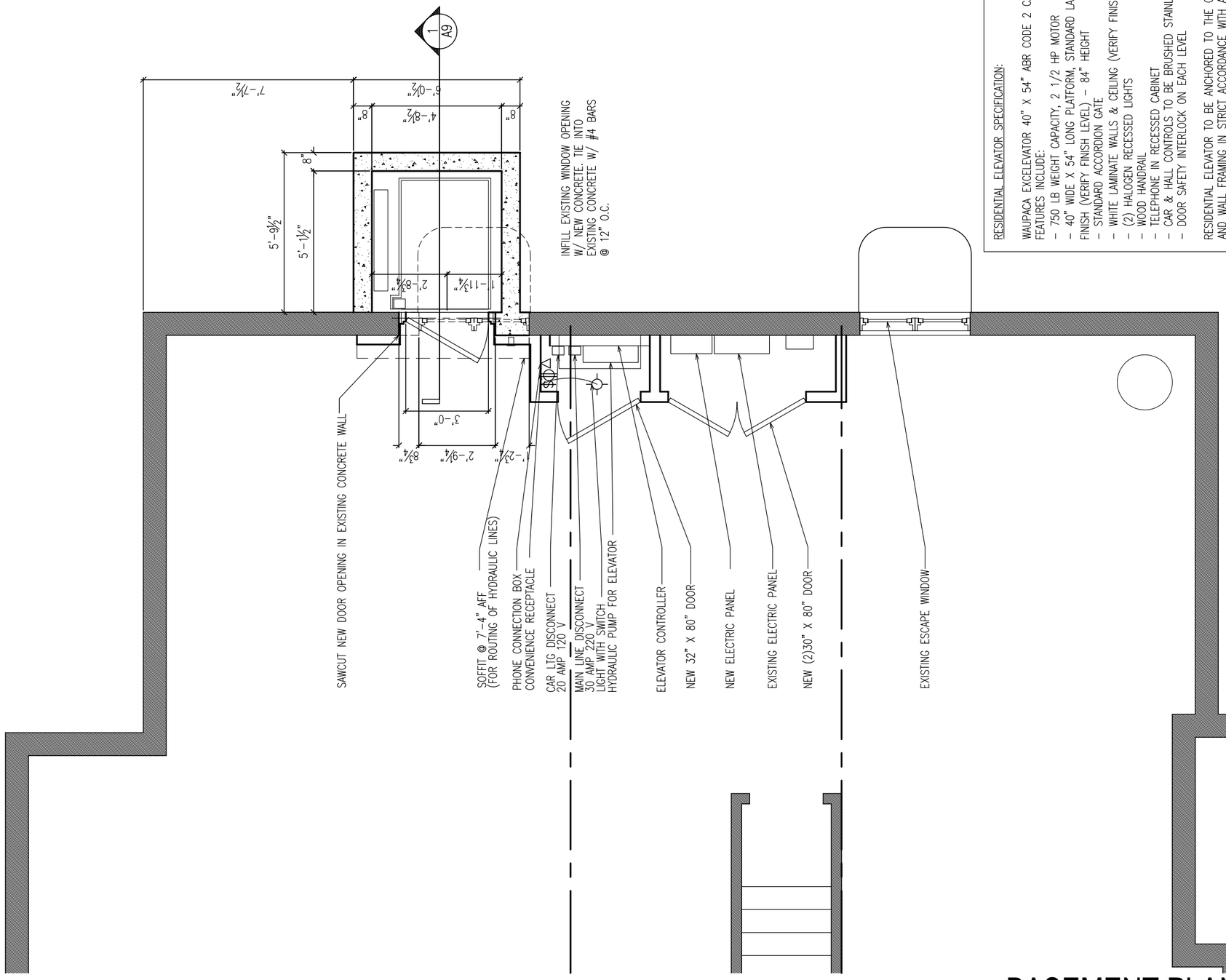


RESIDENTIAL ELEVATOR SPECIFICATION:

WAUPACA EXCELEVATOR 40" X 54" ABR CODE 2 CAR WITH – FEATURES INCLUDE:
- 750 LB WEIGHT CAPACITY, 2 1/2 HP MOTOR
- 40" WIDE X 54" LONG PLATFORM, STANDARD LAMINATE WALL FINISH (VERIFY FINISH LEVEL) – 84" HEIGHT
- STANDARD ACCORDION GATE
- WHITE LAMINATE WALLS & CEILING (VERIFY FINISH LEVEL)
- (2) HALOGEN RECESSED LIGHTS
- WOOD HANDRAIL
- TELEPHONE IN RECESSED CABINET
- CAR & HALL CONTROLS TO BE BRUSHED STAINLESS STEEL
- DOOR SAFETY INTERLOCK ON EACH LEVEL

RESIDENTIAL ELEVATOR TO BE ANCHORED TO THE CONCRETE SLAB AND WALL FRAMING IN STRICT ACCORDANCE WITH ALL MANUFACTURER'S SPECIFICATIONS, RECOMMENDATIONS AND INSTRUCTIONS.

CONSTRUCT SHAFT WITH STRICT TOLERANCES AS INDICATED IN MANUFACTURER'S SPECIFICATIONS.

PROVIDE 208/230VAC30 AMP CIRCUIT FOR EQUIPMENT WITH FUSED 30 AMP 3 POLE DUAL ELEMENT (TIME DELAY FUSE)DISCONNECT WITH NEUTRAL AND 115VAC 15 AMP CIRCUIT FOR LIGHTING

GENERAL NOTES:
1. ALL WORK TO BE COMPLETED IN STRICT ACCORDANCE WITH IRC – LATEST EDITION.
2. NO CHANGE TO BUILDING OCCUPANCY, BUILDING AREA, HEIGHT OR ENVELOPE.
4. ALL SUB-CONTRACTORS TO BE LICENSED.
5. ELECTRICAL WORK ON THIS PROJECT AS DESCRIBED ON PLANS.
8. NO STRUCTURAL CHANGES WITHOUT ARCHITECT'S WRITTEN APPROVAL.
9. PREMISES TO BE LEFT BROOM CLEAN.
10. PRIME, PAINT, STAIN AND FINISH NEW WORK TO MATCH EXISTING AS NEEDED.

EXISTING CONSTRUCTION TO REMAIN

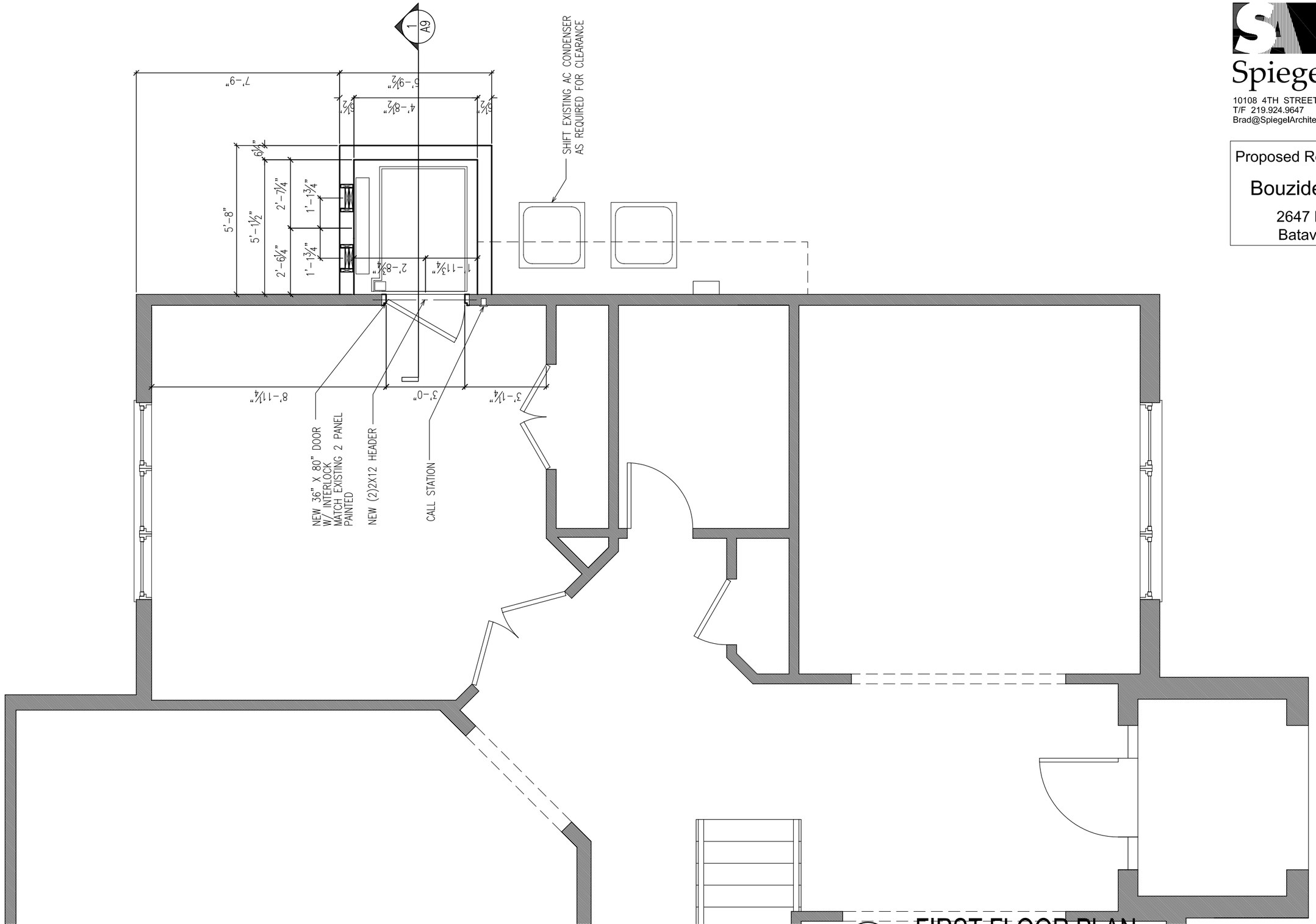
GENERAL DEMOLITION NOTES:
1. CONTRACTOR TO REMOVE CONSTRUCTION AS INDICATED ON THE DEMOLITION PLAN.
2. CONTRACTOR TO VERIFY – IN EVERY RESPECT – EXISTING CONDITIONS AS SHOWN ON THE DRAWINGS. CONTRACTOR SHALL NOTIFY THE ARCHITECT OF ANY DISCREPANCIES OR OMISSIONS BETWEEN THE PLANS AND EXISTING FIELD CONDITIONS IMMEDIATELY.
3. CONTRACTOR IS RESPONSIBLE FOR REMOVING OR RELOCATING ALL CONDUIT, PLUMBING AND OTHER MISC. PIPES, DUCTS OR VALVES IN ORDER TO ACHIEVE THE PROPOSED NEW CONSTRUCTION, WHETHER OR NOT THE ITEMS ARE SPECIFICALLY SHOWN ON THE PLANS.

EXISTING CONSTRUCTION TO REMAIN – NO CHANGE
EXISTING CONSTRUCTION TO BE DEMOLISHED

BASEMENT PLAN

Scale: 1/4" = 1'-0"

A-3



FIRST FLOOR PLAN

Scale: 1/4" = 1'-0"

A-4

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10.13.12

Proposed Residential Elevator

Bouzide Residence

2647 Lusted Lane
Batavia, IL 60510

10.13.12

Spiegel Architects Inc.
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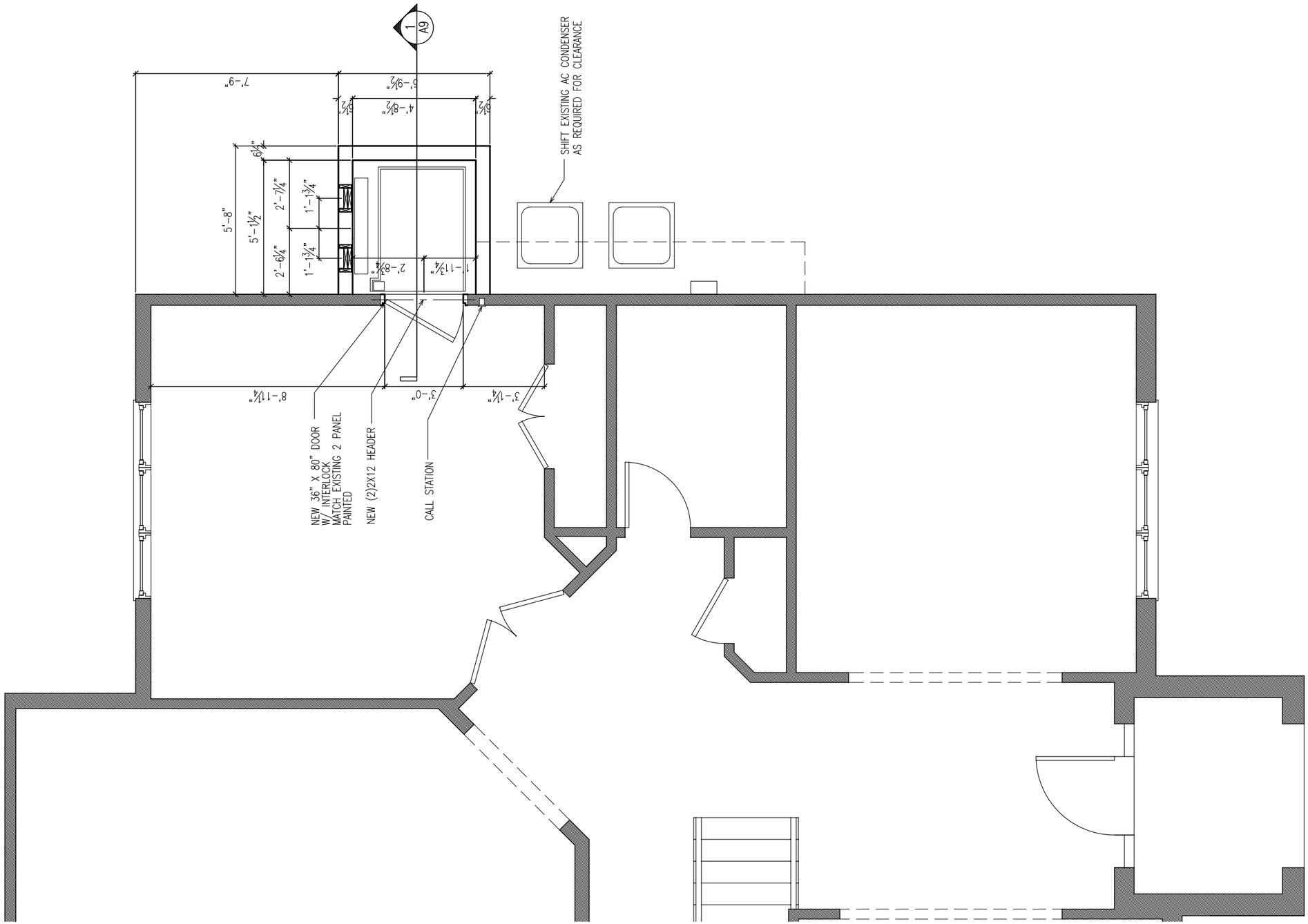
Proposed Residential Elevator

Bouzide Residence

2647 Lusted Lane
Batavia, IL 60510



SECOND FLOOR PLAN

Scale: 1/4" = 1'-0"

A-6

10.13.12

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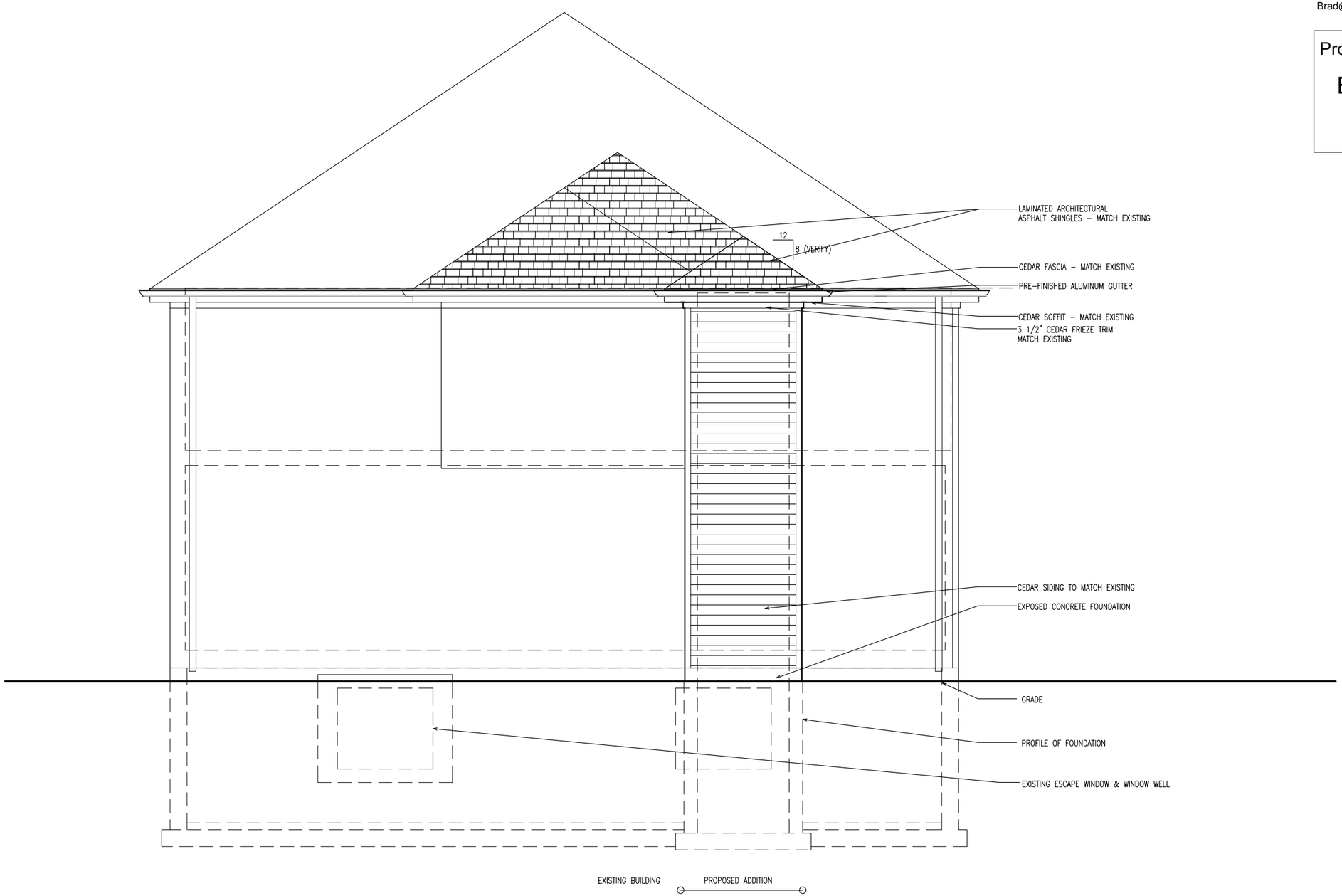
Brad@SpiegelArchitects.com

Proposed Residential Elevator

Bouzide Residence

2647 Usted Lane
Batavia, IL 60510



EAST ELEVATION

Scale: 3/16" = 1'-0"

A-7

10.13.12

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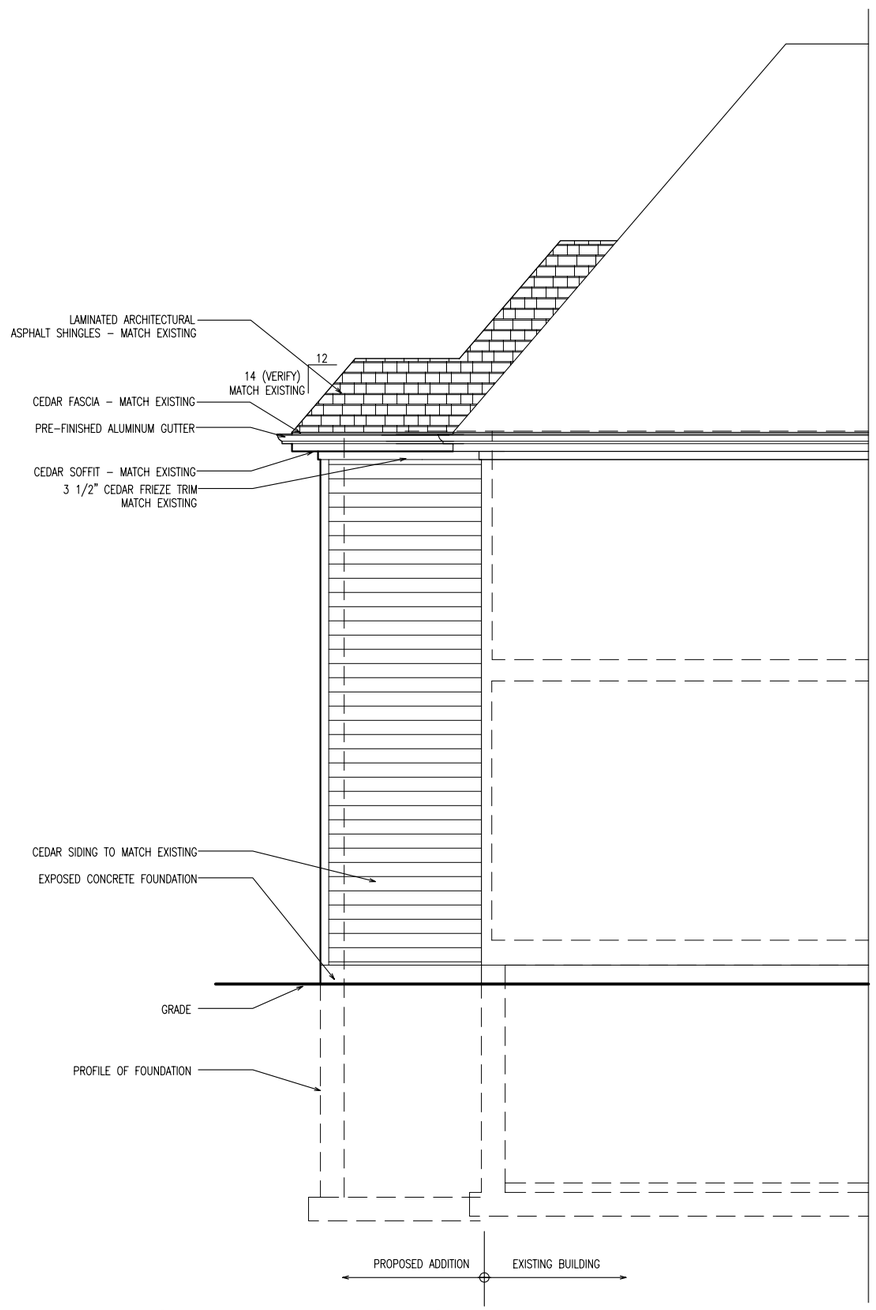
T/F 219.924.9647
Brad@SpiegelArchitects.com

Proposed Residential Elevator

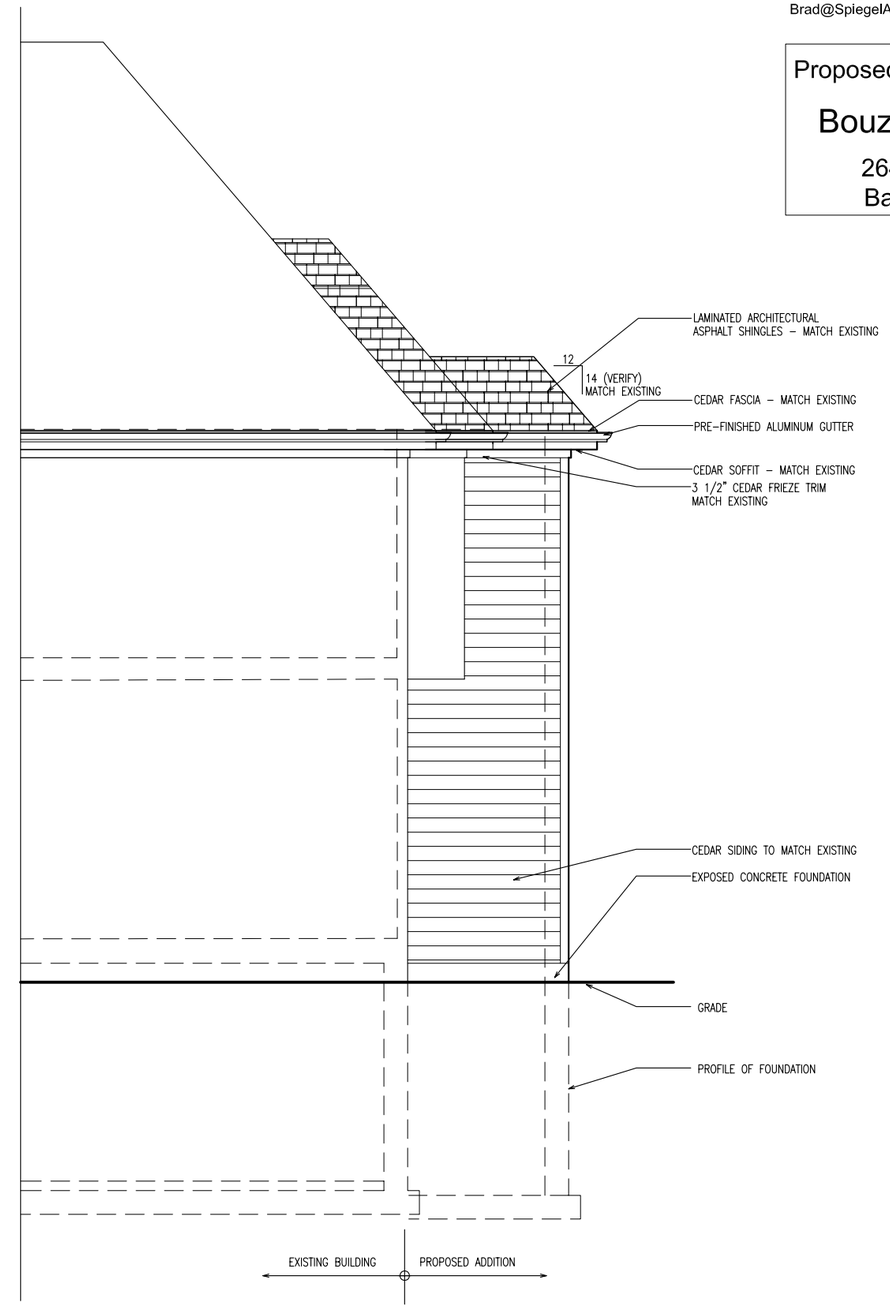
Bouzide Residence

2647 Lusted Lane
Batavia, IL 60510



NORTH ELEVATION

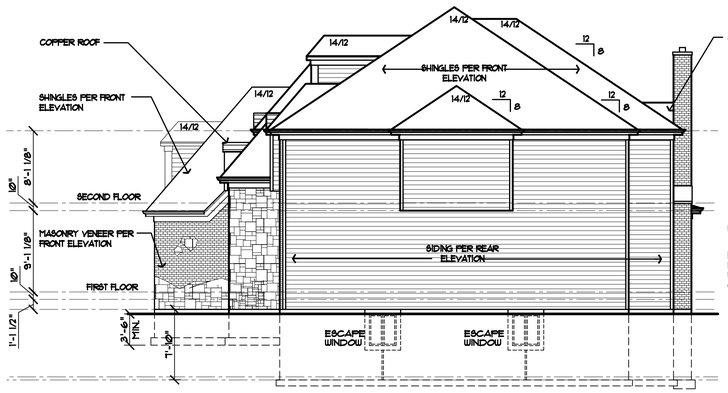
Scale: 3/16" = 1'-0"



SOUTH ELEVATION

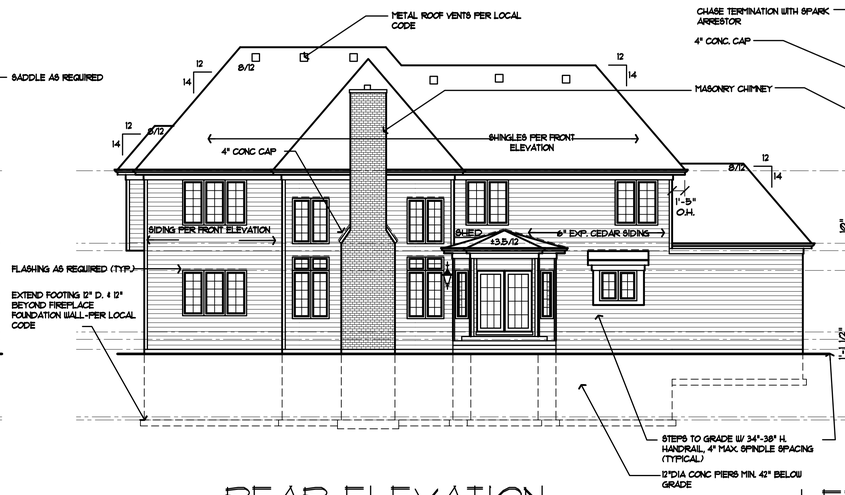
Scale: 3/16" = 1'-0"

A-8



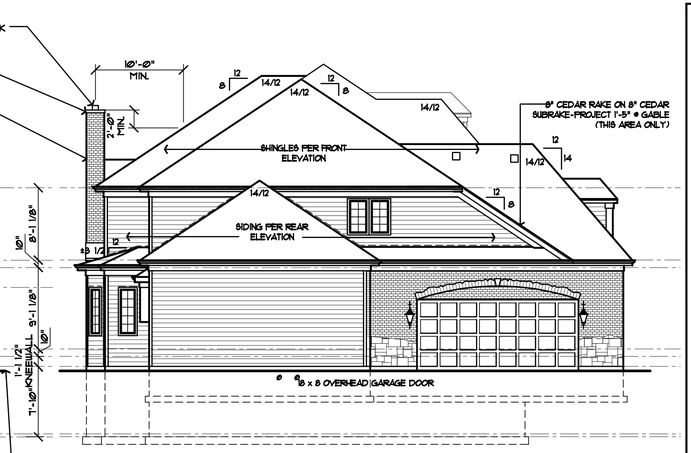
RIGHT ELEVATION

SCALE: 1/8"=1'-0"



REAR ELEVATION

SCALE: 1/8"=1'-0"



LEFT ELEVATION

SCALE: 1/8"=1'-0"

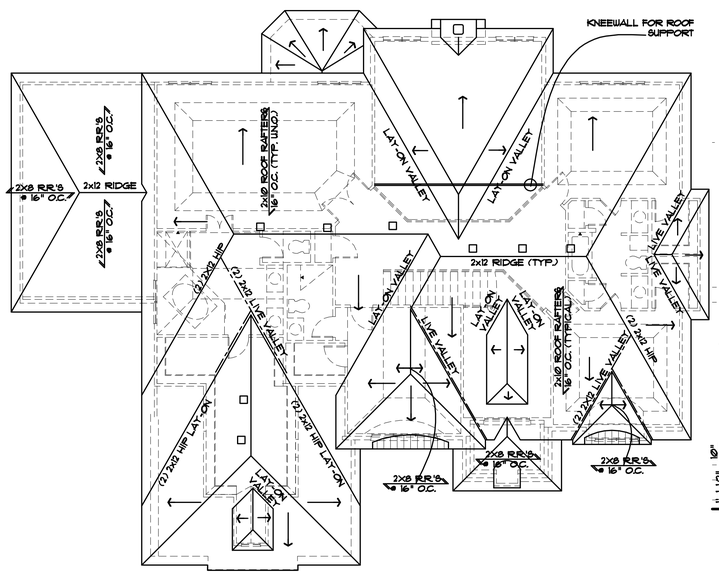
ROOF VENTS (PER 2000 IRC)			
ATTIC AREA	SQ. FT. OF VENT REQ'D. (1:300)	VENT SUPPLIED (VENT CALCULATIONS BASED ON OWENS CORNING VENTSURE VENT)	
3,245 SQ. FT.	10.81 SQ. FT.	ROOF VENTS (@ 0.694 SQ FT.)	SOFFIT VENTS (@ 0.145 SQ FT.)
	SQ. FT. OF VENT PROVIDED	8 VENTS	37 VENTS
	10.85 SQ. FT.	5.55 SQ. FT	5.3 SQ. FT

ROOF NOTES:

- ALL RIDGE, HIPS, AND VALLEY MEMBERS SHALL BE THICK ENOUGH TO ACCEPT FULL BEARING FROM RAFTERS
- ALL LIVE VALLEYS OVER 12'-0" LONG SHALL BE DOUBLED.

GENERAL NOTES

1. ALL SUBCONTRACTORS SHALL VERIFY THAT THEY HAVE CURRENT PLANS PRIOR TO COMMENCEMENT OF ANY WORK.
2. VERIFY ALL DIMENSIONS AND SITE CONDITIONS IN THE FIELD PRIOR TO COMMENCEMENT OF ANY WORK.
3. ALL SUBCONTRACTORS ARE LIABLE FOR THE SAFETY OF THEIR EMPLOYEES & EQUIPMENT WHILE ON THE JOB SITE.
4. ALL DIMENSIONS ARE FOR ROUGH FRAMING. WALLS ARE DIMENSIONED @ 3 1/2" UNLESS OTHERWISE NOTED.
5. ALL CONCRETE PIERS & FOOTINGS SHALL REST ON APPROVED BEARING 3000 PSF MIN. SOIL -3'-6" MIN. BELOW ADJOINING GRADE OR AS NOTED.
7. ALL FOUNDATION WALLS, FOOTING, AND PIERS SHALL BE POURED CONCRETE W/ A MIX OF 1:2.5, 3000 PSI 28 DAY TEST.
8. PROVIDE DOUBLE FRAMING AT ALL OPENINGS& DOUBLE JOISTS UNDER ALL PARTITIONS PARALLEL TO JOISTS AS NOTED.
9. 2-2X12 HEADER IS TYPICAL FOR DOOR/WINDOW OPENINGS UNLESS OTHERWISE NOTED.
10. GLUE AND NAIL ALL MICROLAM HEADERS.
11. ALL OPERABLE WINDOWS SHALL HAVE SCREENS.
12. PROVIDE DRAFT-STOPPING AS REQUIRED BY LOCAL CODES FOR SECTION IRC R502.12.
13. PROVIDE FIREBLOCKING AS REQUIRED BY LOCAL CODES FOR SECTION IRC R502.13.



ROOF PLAN

SCALE: 1/8"=1'-0"

FRONT ELEVATION

SCALE: 1/4"=1'-0"

AS-BUILT SET

DECEMBER 17, 2012

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THE BOUZIDE RESIDENCE
2641 LUSTED LANE
BATAVIA, ILLINOIS
4,077 S.F. TWO-STORY RESIDENCE W/ BASEMENT

JB ARCHITECTURE
architects | builders
1320 North Route 59
Suite 234
Naperville, Illinois 60563
630.357.8100

DATE:	DECEMBER 17, 2012
DRAWN BY:	JRK
CHECKED BY:	JAB
REVISIONS:	
JOB NUMBER:	JB12316

STATE OF ILLINOIS
001-011817
JONATHAN A. BIERITZ
SUGAR GROVE, IL
REGISTERED ARCHITECT

1

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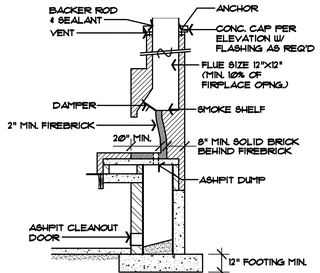
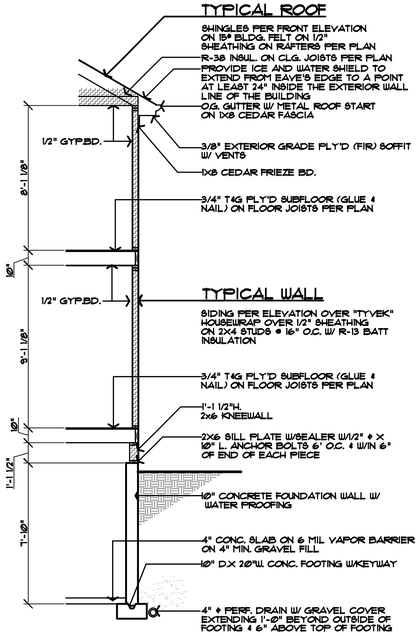


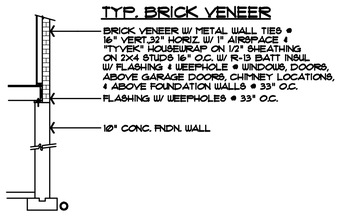
FIREPLACE SECTION

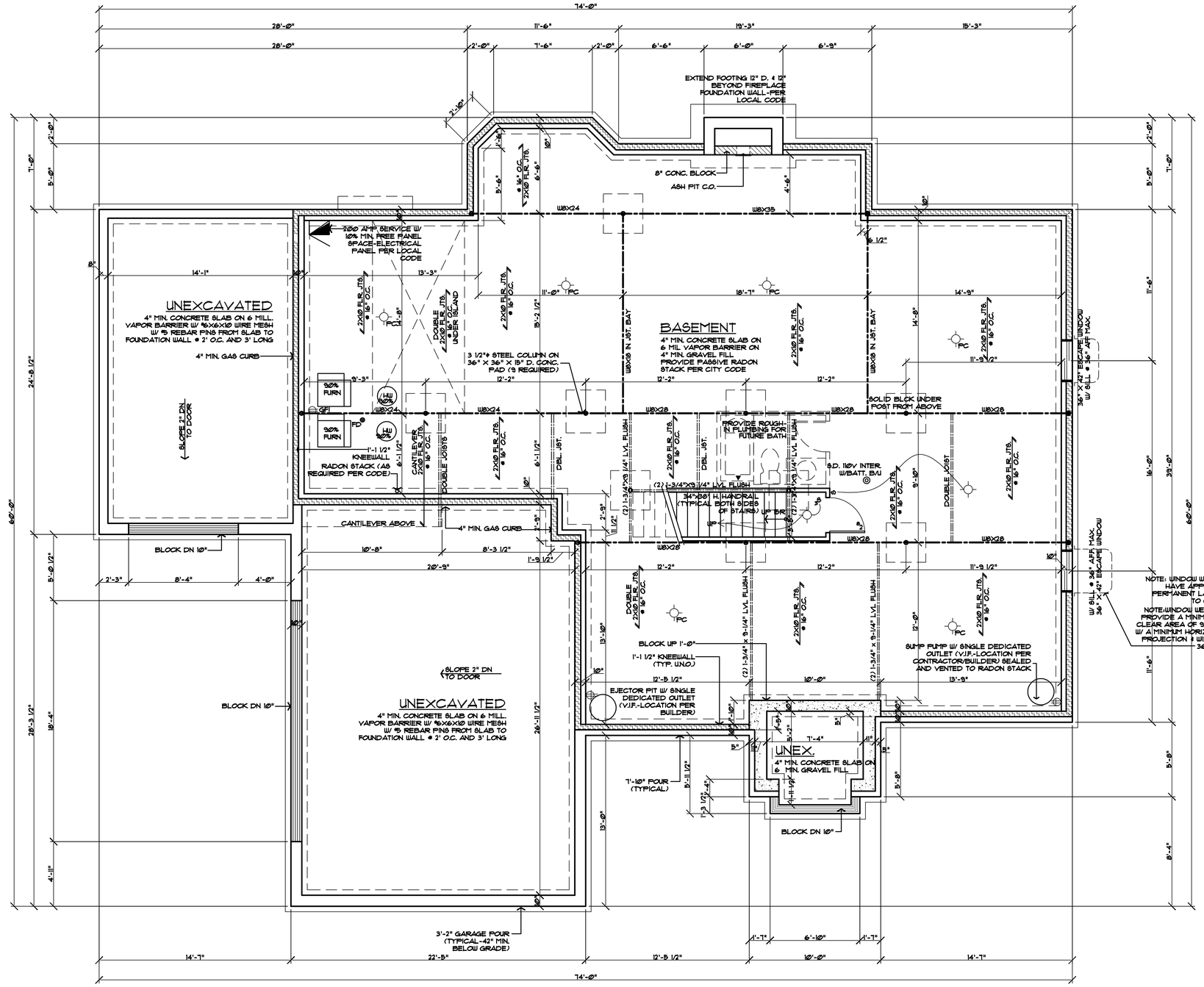
NOT TO SCALE

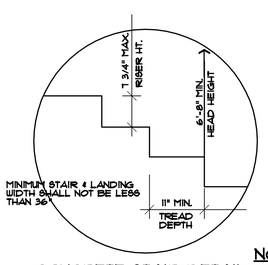


TYPICAL WALL SECTION

1/4" = 1'-0"





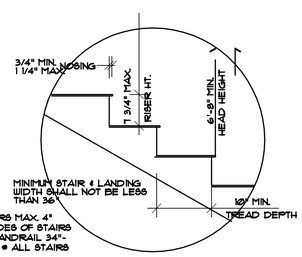


CONCRETE STAIR DETAIL

NOT TO SCALE

NOTE

36" GUARDRAIL W/ BALUSTERS MAX. 4" O.C. REQ'D ON ALL OPEN SIDES OF STAIRS W/ SEPARATE CONTINUOUS HANDRAIL 34"-38"H. ON ONE SIDE TYPICAL @ ALL STAIRS OVER 2 RISERS.



STAIR DETAIL

NOT TO SCALE

FOUNDATION PLAN

SCALE: 1/4"=1'-0"

AS-BUILT SET

DECEMBER 17, 2012

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JONATHAN A. BIERITZ
SUGAR GROVE, IL
REGISTERED ARCHITECT

2

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LIGHT AND VENTILATION SCHEDULE

ROOM NAME	AREA	LIGHT		VENT		MECH CFM	
		REQ.	ACT.	REQ.	ACT.	REQ.	ACT.
LIVING ROOM	186	14.88	62.31	7.44	38.52	-	-
FAMILY ROOM	376	30.08	38.72	15.04	26.54	-	-
DINING ROOM	168	13.44	26.79	6.72	17.56	-	-
STUDY	210	16.8	53.58	8.4	38.52	-	-
KITCHENNOOK	425	34.0	33.1	17.0	23.5	-	-
LAUNDRY ROOM	78	N/A	N/A	N/A	N/A	-	150
POWDER ROOM	36	N/A	N/A	N/A	N/A	-	150
MASTER BEDROOM	375	30.0	33.28	15.0	33.48	-	-
MASTER BATHROOM	151	12.08	12.54	6.04	13.1	-	100
BEDROOM 2	191	15.28	24.96	7.64	16.74	-	-
BEDROOM 3	186	14.88	16.64	7.44	16.74	-	-
BEDROOM 4	168	13.44	24.96	6.72	16.74	-	-
BATH 2	43	N/A	N/A	N/A	N/A	-	50

TABLE NO. R-503.4.1

ALLOWABLE SPANS FOR LINTELS SUPPORTING MASONRY VENEER

SIZE OF STEEL ANGLE	0 STORY ABOVE	1 STORY ABOVE	2 STORY ABOVE	NO. OF 1/2" OR EQUIVALENT REINFORCING BARS
3 X 3 X 1/4	6'-0"	3'-6"	3'-0"	1
4 X 3 X 1/4"	8'-0"	5'-0"	3'-0"	1
6 X 3 1/2" X 1/4"	14'-0"	8'-0"	3'-6"	2
8 X 4" X 1/2"	20'-0"	11'-0"	5'-0"	4

- LONG LEG OF ANGLE TO BE IN VERTICAL POSITION
- DEPTH OF REINFORCED LINTELS SHALL BE NOT LESS THAN 8 INCHES AND ALL CELLS OF HOLLOW MASONRY LINTELS TO BE GROUTED SOLID. REINFORCING BARS SHALL EXTEND NOT LESS THAN 8 INCHES INTO THE SUPPORT.
- STEEL MEMBERS INDICATED ARE ADEQUATE TYPICAL EXAMPLES OTHER STEEL MEMBERS MEETING STRUCTURAL DESIGN REQUIREMENTS MAY BE USED.
- FOR 16'-0"W. GARAGE DOOR HEADER USE 9" x 4" x 5/8" STEEL ANGLES

DESIGN CRITERIA

FLOOR	- 40# LL 10# DL	ALL AREAS
WALL	- 60 # PLF OF ACTUAL LOAD	
CEILING	- 20# LL 10# DL	ROOF SLOPES OVER 3 IN 12
ROOF CATHEDRAL	- 30# LL 10# DL - 30# LL 15# DL	ALL SLOPES
EXT. DECK BALCONY	- 40# LL 10# DL - 60# LL 10# DL	EXTERIOR

STRUCTURAL FRAMING LUMBER

FLOOR JOISTS, CEILING JOISTS, HEADERS, AND RAFTERS IN-GRADE BASE VALUE

GRADE # 2 SPECIES H/F (DOMESTIC) OR CANADIAN BASE

SPECIFY MANUFACTURER AND NAME OF SPECIFIC BEAM PRODUCT WITH THE CURRENT SIZE, FB AND E VALUES PER MANUFACTURER

MANUFACTURER TRUS JOIST MAC MILLAN PRODUCT LVL

SIZE PER PRINT FB 2600 E 1.9

SPECIFY MANUFACTURER OR SPECIFIC I-JOISTS PRODUCT WITH SERIES NUMBER AND SIZE OF JOISTS PER MANUFACTURER

MANUFACTURER N/A SERIES # SIZE

ELECTRICAL SYMBOLS

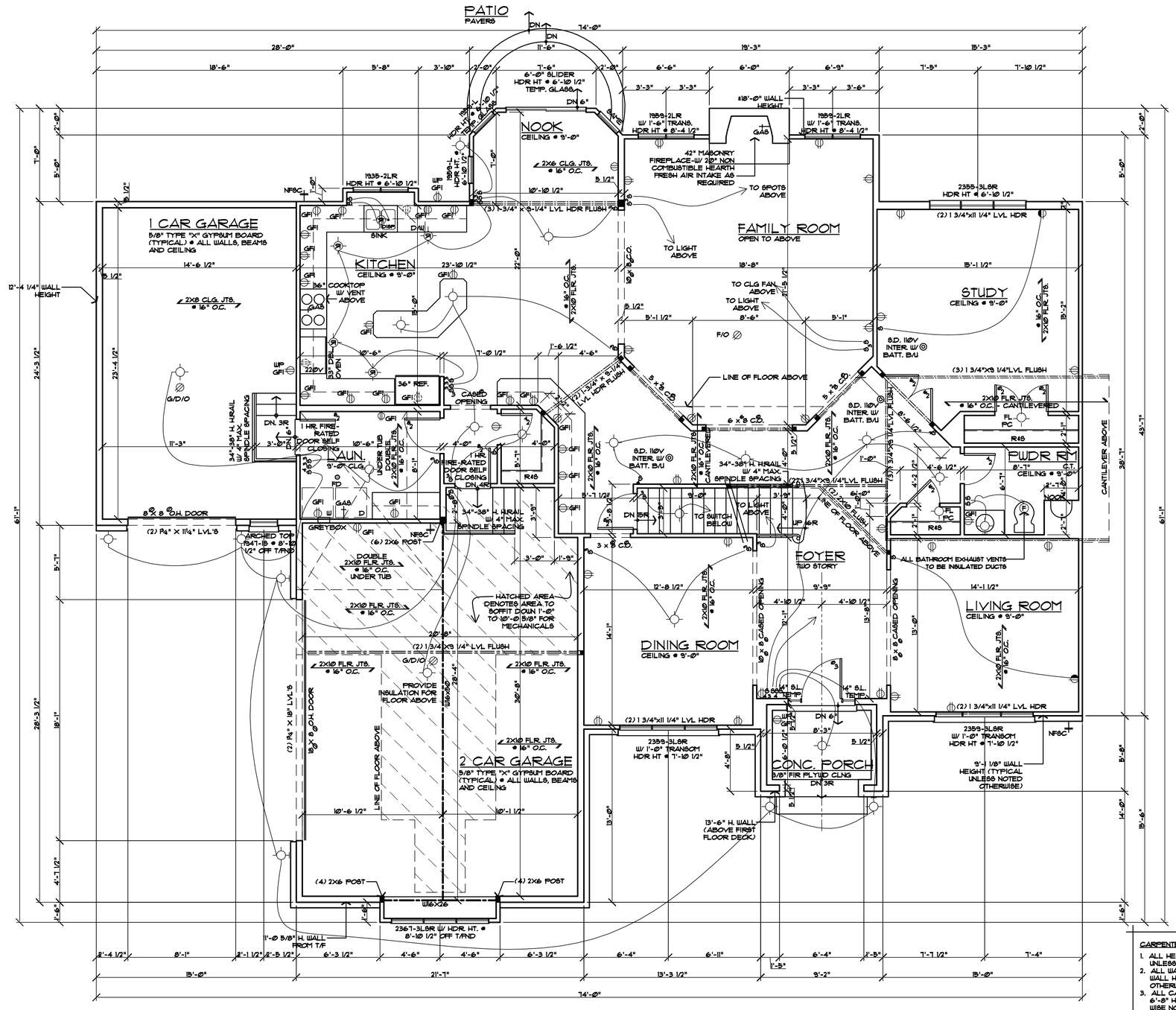
	CEILING FAN		OUTLET
		GFI	GROUND FAULT INTERCEPTOR
	LIGHT		SWITCHABLE OUTLET
F	FLUORESCENT LIGHT	S	WALL SWITCH
R	RECESSED CAN LIGHT	S_3	THREE WAY SWITCH
P.C.	PULLCHAIN	S_4	FOUR WAY SWITCH
	WALL SCONCE	J.S.	DOOR JAMB SWITCH
F	EXHAUST FAN	T	TIMER SWITCH
F	FAN/LIGHT		

ELECTRICAL NOTES:

ALL SWITCHES SHALL BE LOCATED AT A HEIGHT NOT TO EXCEED 48" A.F.F. MEASURE FROM FINISHED FLOOR TO CENTER OF SWITCH

ALL RECEPTACLES SHALL BE LOCATED AT A HEIGHT OF NOT LESS THAT 15" A.F.F. MEASURED FROM FINISHED FLOOR TO CENTER OF RECEPTACLE

BRANCH CIRCITS FOR BEDROOMS TO BE ARC-FAULT CIRCUIT INTERRUPTED AS REQUIRED



FIRST FLOOR PLAN

SCALE: 1/4"=1'-0"

2,154 SQ FT

CARPENTERS NOTES :

1. ALL HEADERS 6'-10 1/2" UNLESS OTHERWISE NOTED
2. ALL WALLS ARE 9'-1 1/8" WALL HEIGHTS UNLESS OTHERWISE NOTED
3. ALL CASED OPENINGS 6'-8" HIGH UNLESS OTHER-WISE NOTED
4. PLATE WALLS AS REQ'D TO MAINTAIN A 12" TYPICAL OVERHANG
5. RURR DN ROOF RAFTERS AS NEEDED FOR INSULATION
6. 2-2x12 HEADER IS TYPICAL FOR DOOR/WINDOW OPENINGS UNLESS OTHER-WISE NOTED

AS-BUILT SET

DECEMBER 17, 2012

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BATAVIA, ILLINOIS
4,077 S.F. TWO-STORY RESIDENCE W/ BASEMENT

JB ARCHITECTURE GROUP
architects builders
1320 North Route 59
Naperville, Illinois 60563
630.357.8100

DATE: DECEMBER 17, 2012
DRAWN BY: JRK
CHECKED BY: JAB
REVISIONS:

JOB NUMBER: JB12316

STATE OF ILLINOIS
001-011817
JONATHAN A. BIERITZ
DOWNERS GROVE, IL
REGISTERED ARCHITECT

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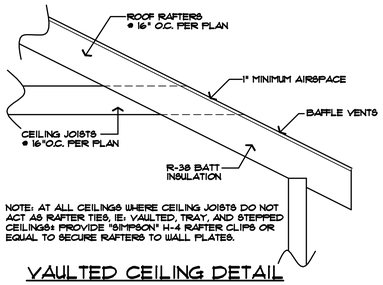

NOTE: AT ALL CEILINGS WHERE CEILING JOISTS DO NOT ACT AS RAFTER TIES, IE: VAULTED, TRAY, AND STEPPED CEILINGS+ PROVIDE "SIMPSON" H-4 RAFTER CLIPS OR EQUAL TO SECURE RAFTERS TO WALL PLATES.

VAULTED CEILING DETAIL

NOT TO SCALE

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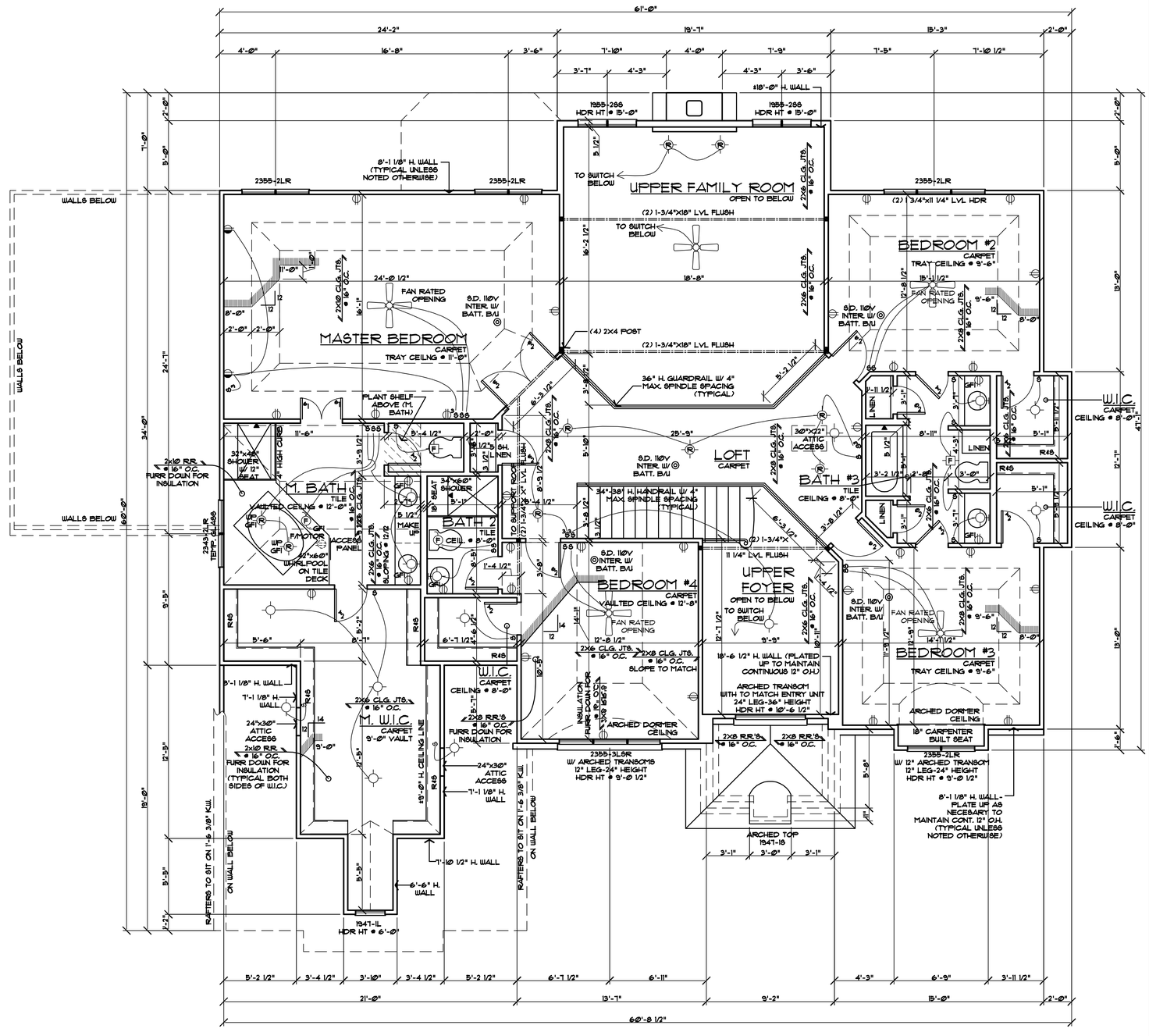
BRANCH CIRCITS FOR BEDROOMS TO BE ARC-FAULT CIRCUIT INTERRUPTED AS REQUIRED



SECOND FLOOR PLAN

SCALE: 1/4"=1'-0"

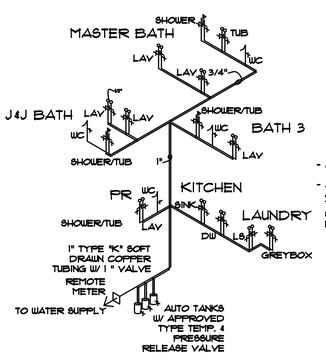
ALL BATHROOM EXHAUST VENTS TO BE INSULATED DUCTS

PROVIDE SINGLE DEDICATED OUTLET WITHIN 6' OF RADON STACK FOR FUTURE FAN IN ATTIC PER LOCAL CODES

1,923 SQ FT

AS-BUILT SET

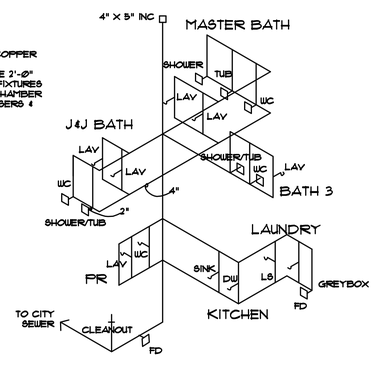
DECEMBER 17, 2012



- ALL PIPING TO BE COPPER
- ALL RISERS TO HAVE 2'-0" AIR CHAMBER, ALL FIXTURES TO HAVE 1'-0" AIR CHAMBER SHUT-OFF ON ALL RISERS & BRANCHES

HOT & COLD WATER DIAGRAMS

SCALE: NTS



WASTE DIAGRAM

SCALE: NTS

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STATE OF ILLINOIS
001-011817
JONATHAN A. BIERITZ
SINAD GROUP, P.C.
REGISTERED ARCHITECT

4

4 OF 4

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Motion: To recommend approval for the variance of an interior side setback for 2647 Lusted Lane
Maker: Weiss
Second: Peterson
Roll Call Vote: **Aye:** Schneider, Joseph, Gosselin, Harms, Peterson, Weiss
Nay: None
6-0 Vote, 1 Absent, Motion carried.

Rackow stated that this variance request will be discussed at the 1-29-13 CDC meeting.

6. Other Business

Schneider informed the Board that longtime Batavia Alderman Chuck Beckman passed away. Schneider commended Beckman for his public service and for being a personal inspiration to him.

7. Adjournment

There being no other business to discuss, Chairman Schneider called for a motion to adjourn the meeting at 7:15pm; Made by Peterson; Seconded by Weiss. All in favor. Motion carried.

Minutes prepared by Jennifer Austin-Smith

DRAFT

CITY OF BATAVIA

DATE: **January 23, 2013**

TO: **Community Development and City Services Committee**

FROM: **Jeffrey S. Albertson, Building Commissioner**

SUBJECT: **Discussion: Concrete Floor Separations for Multiple-Family Construction**

Background

Staff has recently had discussions with a potential developer interested in a multiple family residential development. The main item of concern during the discussion with this developer was the economic feasibility of developing a project with our current floor separation requirements. Staff feels that it is appropriate to revisit past discussions on amending our Building Code regarding concrete floor separations in Multiple Family Construction. Staff periodically receives inquiries about multiple family construction requirements and they have expressed the difficulty and expense of building a multiple family project under the current code requirements.

Masonry and/or Concrete fire separations have been required in Multiple Family Residential since approximately 1990. In 2007 staff proposed the elimination of the masonry/concrete wall and floor separation requirements. The City Council at that time voted to eliminate the masonry wall separation requirements, but retain the concrete floor separation requirements in common corridor apartment/condominium buildings.

Analysis

Staff continues to believe the elimination of the concrete floor separation requirement makes sense both from a fire safety and economic development feasibility standpoint. Fire sprinkler systems are required in this type of construction. Staff is not proposing a reduction in the hourly fire rating required between floors, but only allowing more flexibility to the developer to choose which fire separation assembly best suits their building and allows a consideration of cost. Staff is also not proposing to eliminate the concrete floor separation requirements between parking garages and residential living spaces above. We believe the elimination of the masonry wall requirement was a step in the right direction, but the cost of the concrete floor requirement is still substantial. The concrete floor can't be supported on standard light frame construction and requires additional steel beams and columns to support the concrete floor, which adds significantly to the cost. We have discussed this change with the Fire Department and they are in support of the change because of the requirement for sprinklers in the buildings and also the hourly fire rating being maintained as currently required. This change would bring the City's requirements in line with most other municipalities in the Chicago area.

Recommendation

Staff recommends that the Committee discuss this issue and provide direction to staff on what additional information or research they would need to see to make a decision on this item. Staff is supportive of the change to the building code to eliminate the masonry separation requirement. This will be on the January 29, 2013 meeting agenda for your consideration.

Cc: Mayor & City Council
File

MINUTES
December 4, 2012
CITY SERVICES COMMITTEE
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 Volk called the meeting to order at 7:30pm.

1. Roll Call

Members Present: **Chair Volk; Vice-Chair Liva; Ald. O'Brien, Tenuta, Frydendall and Jungels**

Members Absent: **Ald. Dietz**

Also Present: **Mayor Schielke (arrived at 7:32pm); Chief Schira, Batavia Police Department; Chief Deicke, Batavia Fire Department; Aldermen Atac and Chanzit; Scott Buening, Director of Community Development; Gary Holm, Director of Public Works; Mark Davis, ESDA; Jeff Glaser, ESDA Director; Bill McGrath, City Administrator; and Jennifer Austin-Smith, Recording Secretary**

2. Approve Minutes for November 13, 2012

Motion: To approve minutes for November 13, 2012
Maker: Liva
Second: Jungels
Voice Vote: 6 Ayes, 0 Nays, 1 Absent
Motion carried.

3. Items to be Removed/Added/Changed
There were no items to be removed, added or changed.

4. Resolution 12-106-R: Surplus Vehicles Police Department (Autenreith 11/30/12)
Chief Schira, Batavia Police Department, reported that the Police Department has a 2003 Ford Crown Victoria that they would like to declare surplus.

Motion: To recommend to Council approval of Resolution 12-106-R: Surplus Vehicles Police Department
Maker: Frydendall
Second: O'Brein
Voice Vote: 6 Ayes, 0 Nays, 1 Absent
Motion carried.

CONSENT AGENDA

5. Resolution 12-116-R: Surplus Property Fire Department (RD 11-20-12)
Chief Deicke reported that the Fire Department currently has four Automated External Defibrillators that are over twelve years old and can no longer be used because they cannot be programmed for the current American Heart Association, American Red Cross or Southern Fox Valley EMS protocols. Our representative from Physio Control advised that there would be no trade in value because of their antiquated status.

One of our firefighters is traveling to Haiti on a mission through Hearten Haiti Project, Inc (a charitable organization) to train the staff of King's Hospital in basic emergency medicine. This training will include first aid, cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED). Our Physio Control representative advised that the units could be useful in a place such as Haiti, where there are few other means of defibrillating a shockable rhythm.

The department is requesting that the items be declared surplus, so that they may be donated and brought to Haiti for use in this training mission.

The Committee discussed the possibility of donating the surplus to the efforts in Haiti. In order to prevent incurring liability, Chief Deicke was requested to discuss this matter with the City Attorney. Chief Deicke agreed to speak with the City Attorney. He stated that if the City Attorney approves of the donation he will donate the surplus property, if not he will properly dispose of the property.

Motion: To recommend to Council approval of Resolution 12-116-R: Surplus property Fire Department
Maker: O'Brien
Second: Liva

Discussion was held on the motion. Tenuta questioned if there would be new AED purchased and if so, would they be able to be adjusted to meet the changing requirements of the American Heart Association. Chief Deicke stated that they will be purchasing a new AED and will make sure that they purchase one that will last as long as possible.

Voice Vote: 6 Ayes, 0 Nays, 1 Absent
Motion carried.

6. Doorway in City Hall First Floor Corridor –FYI (WRM 11-9-12)
McGrath stated that after regular business hours there is a need to create added security. The proposed doorway would not eliminate the elevator being attached to the police lobby. The elevator could be programmed to only access certain floors. Albright Theater would have a key to access the third floor via the elevator. This doorway would be a great help to the police when the City's business offices are vacant. The doorway should cost between two to three thousand dollars and would be taken out of the Building and Grounds Fund. Frydendall asked if this would eliminate the use of the first floor meeting room. McGrath stated that a staff member or

representative would be responsible for making sure that the door is locked after utilizing the meeting room.

Motion: To approve building a doorway in City Hall first floor corridor
Maker: O'Brien
Second: Jungels
Voice Vote: 6 Ayes, 0 Nays, 1 Absent
Motion carried.

Chair Volk noted that this action does not need to go to City Council. Jungels questioned when the doorway will be installed. Chief Schira responded that they would like to get the doorway installed as soon as possible. Chief Schira noted that the warming center during the winter will be the lobby of the police department.

7. Establishment of Tax Levy for Special Service Areas 4, 15, 19, and 25 (Scott Buening 11-27-12)

Buening reported that staff would like to activate levies on four different Special Service Areas (SSA). The SSA's were established when the subdivision was platted but were never activated. The common areas within these subdivisions are owned by the City and are maintained by the City. The SSA's are to pay for the maintenance. The maintenance is benefitting only the subdivisions. Currently, the funding for the maintenance of these areas is coming out of General Fund which means all the citizens of Batavia are paying for the maintenance. The proposal is to levy the SSA's to pay for the maintenance.

Liva asked if all common areas are maintained by SSA's. Buening responded that there are a variety of ways that these areas are maintained. Some are funded by homeowners associations, some are SSA's, and some have backup SSA's. There are other SSA's that have not been levied but the City does not own the property yet. The intention is for the City to own the property and then levy for SSAs. There are probably six or more properties that still need to be levied. Liva discussed the initial levy year and storm water utility tax. Liva would like to see the direction of the City to go to where the SSA's in the case of maintenance to manage storm water are funded by all the citizens. Liva suggested less costly means to manage these areas.

Holm addressed the Committee. He stated that the Committee requested that staff research storm water utility and report back. Holm stated that staff will report back regularly on this matter in the coming year.

The Committee discussed maintenance, General Fund, and SSAs. Holm informed the Committee the areas are turf grasses, such as Kentucky Blue Grass. Holm noted that natural landscaping basins are expensive to maintain. People tend to think that the natural landscaping is more cost effective but they are not. They are much more expensive to maintain. The Committee requested that staff put maps of the City's SSA's onto the website for residents to view.

Motion: To recommend to Council approval of Ordinances 12-44, 12-45, 12-46, 12-47, activation of dormant SSA 4, 15, 19, and 25
Maker: Frydendall

Second: Jungels
Roll Call Vote: **Aye:** Volk, Liva, O'Brien, Tenuta, Frydendall, Jungels
Nay:
6-0 Vote, 1 Absent, Motion carried.

Chair Volk requested that staff send out letters to the residents affected by the levied SSA's prior to the City Council meeting.

8. Route 31 Traffic Issues (Schira 11/30/12)

Chief Schira reported that a petition has been circulated by residents in the North Batavia Avenue area. The petition addresses the narrow lane widths, adding a speed display sign and requests to lower the speed in certain areas. Chief Schira noted that Batavia Avenue is owned by the Illinois Department of Transportation (IDOT) and it would be up to IDOT to decide on lowering the speed limits. The City could request and recommend items but it is ultimately up to IDOT. A few years ago, IDOT did reduce the speed to thirty-miles-per-hour close to approaching the downtown area.

Chief Schira discussed his memo with the Committee. The accident history over the past five years has gone down on Batavia Avenue. He believes it could be due to increased enforcement in that area. He discussed the other attachments to the memo: five-year enforcement data, directed patrol results, and the speed limit map.

Chief Schira reported that a speed display sign has been placed on Batavia Avenue. The speed display sign has the ability to collect data and run reports. For purposes to alert people of their speed, he suggested that the City purchase a basic speed display sign. The police department cannot afford to keep the current speed display sign permanently on Batavia Avenue. There are requests from residents to use this all over town.

Chief Schira contacted IDOT and received information on how to property request a speed study from IDOT. Chief Schira suggested that the Committee:

1. Consider purchasing another portable radar speed display sign (more basic and cheaper than the one currently owned) at a cost of approximately $2200, which could be left on Route 31 for longer periods of time without short-changing other areas of town where our present one could be used;
2. Continue random speed enforcement in this area. A Traffic Officer position is to be launched on January 1, 2013.
3. Send a letter to IDOT to conduct another speed study on Route 31 and requesting the 30mph limit be extended further north from McKee to Maple for southbound traffic and extended further north for northbound traffic.

The Committee discussed pedestrian traffic, crosswalks, safety, and speed limits. O'Brien considered making a motion for a budget amendment to pay for another portable radar speed display sign. Chair Volk questioned whether this was the proper Committee and the right time to make an amendment to the budget. A motion was not made.

The Committee directed the Chief and the Mayor to draft a letter to IDOT.

Chief Schira discussed Route 25 with the Committee. He stated that he would be able to send a five year accident history to the Committee if desired. Chief Schira noted that the report shows a decline in accidents over the five year period. They will increase traffic enforcement. He has been asked why people can pass on Route 25. Currently there is a dotted line versus a solid yellow line. He contacted IDOT and IDOT agreed that this street meets the requirement for a 'no passing zone.' IDOT will re-examine this. Chief Schira will add this in the letter to IDOT as well to serve as a reminder.

Bill Koc, 325 North Batavia, addressed the Committee. He stated that his family has lived in Batavia for two years. His family has tried to walk to events in the downtown and it has never been easy to get access to downtown. Walking and bicycling is problematic due to few crosswalks and high rates of speed by vehicles. As a result, he spearheaded the petition to address these issues. He is very encouraged by what the Chief has discussed. The speed warning sign seemed to be very beneficial and effective. He witnessed people slowing down. Koc asked if the data from the speed radar has been analyzed. Chief Schira responded that it has and the results were an average speed of 35mph. Koc concluded that whatever can be done to lower the speed limit and enforce it would be helpful to everyone.

9. Jefferson/North Avenue Intersection (No Memo)

Chief Schira reported that a resident has complained of people going through the three-way-stop intersection. Traffic studies have been administered and the results found were no overwhelming results of volume of traffic, speeding or violation of the stop sign. People do use this street as a cut-through to get from Route 31 to Randall Road. However, at the end of November an accident happened at this intersection at 8am. The person was arrested for a DUI. Chief Schira stated that the resident would like to have the City hire an independent traffic engineer to study the intersection. Atac mentioned that parking on this street can make navigating the intersection difficult. Jungels added that this intersection is tricky for bicyclists. Chair Volk requested that the Chief look into the parking on this street.

10. Proposed Changes to Fire Department Provisions in Municipal Code (WRM 11-15-12)

Chief Deicke discussed one significant change to the Municipal Code. Instead of having a captain, assistant chief and lieutenant there will be a paid on-call supervisor. This will transform the three positions into one to help clarify who is in charge.

Volk requested that on page one, 1-8B-2, to remove the specific number of firefighters within the Code. Volk stated that it would be better to have the language state as determined by the Mayor and approved by the Council. McGrath suggested the language state as approved by the budget. Volk stated that the language should be modified as staff and the Chief feels is sufficient without a hard number within the language.

Motion: To recommend to Council approval of the proposed changes to the Fire Department provisions in the Municipal Code
Maker: Liva
Second: O'Brien

Voice Vote: 6 Ayes, 0 Nays, 1 Absent
Motion carried.

11. Proposed Changes to ESDA Provisions in Municipal Code (WRM 11-16-12)
McGrath stated that under the statute, ESDA has an incredible responsibility. Therefore, the coordinator of ESDA should be someone who is an employee of the City, is supervised, appointed by the Mayor subject to the advice and consent of City Council, and can be fired. The coordinator would then have accountability subject to HR practices, budget practices, expenditure practices, and vehicle practices. McGrath stated that this decision has nothing to do with individual people and is purely business. The emergency protection and non-emergency protection needs to be fine-tuned. The City values ESDA and celebrates the volunteers within our community. We do not want to have the volunteerism in our community to decline or be terminated. Staff is suggesting that structurally the coordinator is defined by statute to be the fire chief.

Chief Deicke reported that the two big changes to the ESDA provisions in the Municipal Code are making the fire chief coordinator of ESDA and creating an ESDA manager position. Mayor Schielke stated that ESDA is very valuable to the City of Batavia. He likes the idea of consolidation so that ESDA can be included in the fire department operations. Integrating the two operations into a working unit will greatly benefit the City.

Jeff Glaser, ESDA Director, addressed the Committee. He feels that integrating ESDA would be a bad idea. He asserted that it works well as a stand-alone department. He noted that ESDA was taken out of the control of the fire department in the past because the mayor at the time felt that it was double-dipping. Glaser stated that his budget has never been over budget and he sticks to the fiscal guidelines. He stated that he is not invited to department head meetings nor is he on the department head emails. Glaser refuted the comment in McGrath's memo that stated that Chief Deicke had trouble getting information from the Director of ESDA. Glaser commented that he gave all requested information in a timely manner. Glaser questioned why he was asked for a list of vehicles when the City holds the titles to the ESDA vehicles. Glaser stated that as a paid employee he could be fired. Glaser reiterated that ESDA should be a stand-alone department. He has run ESDA for 35 years and was a volunteer for 39 years. Glaser concluded that he deserves better.

Volk agrees with the recommendation by staff to have ESDA folded into the fire department. The whole process needs to be upgraded and this is a good set of amendments. Jungels questioned how this process will work. Chief Deicke stated that his impression is if this does come to pass, he would meet with the ESDA officers to figure out where we want to go, what we want to accomplish then meet with the whole organization so that he has input from everyone. Then they could try to work on policies and procedures, the vehicles, what we want to accomplish and then we can determine what resources we need to accomplish those said goals. Chief Deicke stated that he is looking at starting from scratch to meet the needs of the City. Volk added that the reorganization has been prompted by the mayor in observation that we need to get a certified ESDA so that we qualify to get Homeland Security funding so that ESDA can get more up-to-date equipment. Jungels stated that she would not like to lose the spirit of volunteerism within ESDA. Chief Deicke agreed and stated that volunteers are greatly important

to the City. He has no intention of getting rid of volunteers and would like to promote volunteerism more in the future. Chanzit questioned if there will be an interview process for the ESDA manager or if the current ESDA Director would become the ESDA manager. Chief Deicke stated that he would assume that the current director would become the manager. Volk added that the Council votes on all the department heads. Frydendall asked if the ESDA Manager is a paid position. McGrath responded that there currently is no compensation in for the 2013 budget. Compensation for the manager position, if any, will be determined by the City Council regular budget process.

McGrath noted an additional change in the draft. Section 2-7-3 under Functions, it states 'additionally Batavia ESDA should perform such duties as prescribed from time to time by the ESDA Coordinator on the authority of the mayor and city council including non-emergency traffic control' and it should state both emergency and non-emergency control. ESDA is a resource that police and fire department can count on for traffic control.

Motion: To recommend to Council approval of the proposed changes to ESDA provisions in the Municipal Code
Maker: Tenuta
Second: Liva
Roll Call Vote: **Aye:** Volk, Liva, O'Brien, Tenuta
Nay: Frydendall, Jungels
4-2 Vote, 1 Absent, Motion carried.

12. Others

Volk noted that there is an upcoming City Services Committee meeting to be held at the First Baptist Church on Saturday, December 15th at 10am. This meeting will be a one hour tour.

13. Adjournment

There being no other business to discuss, a motion was requested by Chair Volk to adjourn the meeting at 9:13 pm; Made by Liva and seconded by O'Brien. Motion carried.

Minutes respectfully submitted by: Jennifer Austin-Smith

MINUTES
January 15, 2013
Community Development Committee
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 7:30 pm.

1. Roll Call

Members Present: **Chair Brown; Aldermen Sparks, Chanzit, Clark, Atac and Stark**

Members Absent: **Vice-Chair Wolff**

Also Present: **Mayor Schielke; Ald. Volk, O'Brien, Tenuta, and Dietz (via Conference Phone); Joel Strassman, Planning and Zoning Officer; Jeff Albertson, Building Commissioner; Scott Buening, Community Development Director; Bill McGrath, City Administrator; Gary Holm, Director of Public Works; Noel Basquin, City Engineer; Drew Rackow, Planner; Jason Bajor, Assistant City Administrator; and Jennifer Austin-Smith, Recording Secretary**

2. Approve Minutes for November 13, December 11, 2012 and CDC/City Services Joint Meeting Minutes for December 15, 2012

Motion: To approve the minutes for November 13, December 11, 2012 and CDC/City Services Joint Meeting Minutes for December 15, 2012
Maker: Stark
Second: Clark
Voice Vote: 6 Ayes, 0 Nays, 1 Absent
Motion carried.

3. Items Removed/Added/Changed
Discussion on Ordinance 13-06 was moved to number 4 on the agenda. There was no objection to this move by the Committee.

4. Ordinance 13-06: Variance for a Covered Front Porch Setback, 610 Ritter Drive (Joel Strassman 1/11/13)
Strassman reported that Dan and Stephanie Lambert, owners of the house under construction at 610 Ritter Drive are seeking approval for a variance from Section 4.101.K in the Zoning Code. This is the section that allows covered porches on single family residences to project up to six (6) feet into the required front building setback area. The variance seeks to allow use of the foundation that projects up to nine (9) feet into the 30 foot front building setback area for the covered front porch.

During the design phase of the residence, the Lambert's architect met with City staff and reviewed the porch projection allowance. The Lamberts state that due to a misunderstanding, the residence was designed with a porch that projects eight (8) feet into the front setback area. The building permit application included conflicting information on the configuration of the foundation for the residence and porch. The building permit was issued based on the surveyor-prepared foundation plan that did not include the porch foundation and its non-compliant setback. City staff erred in not requiring the surveyor to prepare a replacement foundation plan to show the porch and its setback. The Lambert's state that due to another misunderstanding, the foundation contractor poured the porch foundation beyond what the approved plans showed. The porch foundation now projects up to nine (9) feet, resulting in their applying for the three (3) foot porch setback variance.

On January 9, 2013 the Zoning Board of Appeals (ZBA) held the public hearing for the requested variance. Attorney Mark Valley, representing the Lamberts, urged the ZBA to view the request openly, and not to limit their consideration to the findings in the Zoning Code. Mr. Valley stated that those findings are from State law and may not be relevant to the Lambert's situation. Mr. Valley also opined that there would be no real impact to the neighborhood with a porch closer to the property line since the porch would be setback from the street by not only the proposed 21 foot setback, but by the sidewalk and parkway too.

Mr. and Mrs. Lambert addressed the ZBA citing the care they had taken in designing a quality residence to fit into a neighborhood of uniquely designed residences. The residence's architectural style, including the front porch details, was their own design. Mr. Lambert showed drawings of how the design of the porch roof support columns would be compromised as needed to support a larger roof overhang if the foundation needs to be moved back. In addition to the steep financial impact a change to the foundation would create, Mr. Lambert explained that the porch roof trusses had been manufactured and would need to be changed if the foundation is to change, resulting in another substantial cost.

Two (2) neighboring residents spoke in favor of the Lambert's proposal noting that there would be no impacts to area. Three (3) letters from neighbors supporting the proposal were entered into the record.

The ZBA acknowledged its responsibility to review the variance in light of the findings for approval for a variance specified in the Zoning Code and commitment to adhere to them. The ZBA complimented the Lamberts on the design of the residence. The ZBA added that even if it would like the residence to be built using the existing foundation, being limited to the Zoning Code's findings will make it difficult to approve all the findings in the affirmative.

The ZBA's findings are listed in draft Ordinance 13-06. Specifically, the Board found in the affirmative for 2 of the 5 findings. Not being able to find in the affirmative for all of the findings, ZBA action effectively recommended the Community Development Committee (CDC) not recommend approval of the variance. The ZBA wanted the record to reflect its feeling that since the CDC may consider factors beyond those specified in the findings, it hopes the CDC recommends approval, and the City Council approves the variance.

Staff agrees with the ZBA's conclusion that with other factors being considered, the CDC can reasonably consider recommending approval of the variance. The CDC can take into consideration the fact that staff erred by issuing the permit. Additionally, both staff and the ZBA are sensitive to the financial impact removing and replacing the non-compliant portion of the foundation would cause. For these reasons, and the fact that there would be no negative impacts to the surrounding neighborhood, staff is supportive of the City Council granting a variance to allow the porch foundation to exceed the allowed front yard setback.

The CDC has the following 3 options:

1. In line with the ZBA recommendation, the CDC can recommend the City Council not approve the variance;
2. The CDC can recommend the City Council approve a variance to allow an eight (8) foot front setback for the porch foundation, as approved with the building permit issued (this would require removal and replacement of approximately 1-1.5 feet of the existing foundation of the porch foundation); or
3. The CDC can recommend the City Council approve the variance requested, to allow the existing porch foundation with a nine (9) foot projection into the front setback, rather than the allowed six (6) feet.

Staff recommends the CDC recommend option #3. While the ZBA could not consider factors such as the unintentional errors on the parts of the applicant's architect and foundation contractor, or staff error, the City Council can consider these. The Lamberts would incur considerable expense to correct a situation that, if completed with the existing foundation, would have no negative impact to the neighborhood.

Draft Ordinance 13-06 that is written having a CDC recommendation and City Council approval of the requested variance for a nine (9) foot front porch setback. Staff has included draft conclusions for the CDC in the Ordinance that would lead to a recommendation for approval.

Since the ZBA recommended denial, City Council approval of a variance will require a two-thirds majority of 10 yes votes. CDC action does not alter this requirement.

Mark Valley, 20 N Wacker Drive, representing the applicants, addressed the Committee. He thanked the ZBA for hearing their variance request last week. The ZBA were very engaged and understood the help that we were asking for. He understands that the ZBA were bound to the Findings of Fact and is assured that it is near impossible to find all of the findings in the affirmative for this situation. This is a compelling case for approving a variance. Nothing has been done intentionally and everything has been applied for in the proper manner. The Lamberts have saved for this house for a number of years and the applicant is doing a lot of the work himself. The house is an Arts and Crafts style house and any change to the plans would ruin the architectural integrity of the house. Valley explained that the foundation was poured and it goes four feet in the ground. It is not easy to take the poured concrete away and take the house back. Valley stated that this house is a long way back from the street and it is hard to tell that a variance is needed. He continued that the City Ordinance does allow for the porch to go into the

front setback by six feet. We are one to three feet beyond that. To change the style of the front of the house and to remove the foundation does not make any sense.

Dan Lambert, applicant, addressed the Committee. He shared that the house was designed in the Arts and Crafts style. Symmetry is a key element of the house. Changing the setback from the front porch would negatively alter the architectural integrity of the house. He explained that it is the five stone pillars in the front of the house that project slightly. He explained what would happen if the porch was moved back. The side elevation of the pillars would have a four foot overhang creating a teeter-totter effect. Currently, the porch is designed with exposed cedar beams. In order to support snow load with the pillars moved back the architect would have to add steel beams to the design. That would compromise the look of the house. Lambert shared that they spent two and a half years looking for a lot and a great design for their home. They have put a considerable amount of time and money into this project. This is the first house he has built and has learned a lot from this experience.

The Committee discussed the overhang, the permitted construction plans, the foundation plan, spot surveys, and when the staff error was discovered. Albertson was questioned how often after receiving a spot survey does he find errors. Albertson responded that this happens very rarely. He stated that in order to prevent future errors, staff has changed the procedures of reviewing permit plats. There will be at least two members of staff reviewing the construction plans prior to issuing a permit.

Clark shared that she is in support of the variance and so is Alderman Liva. He wanted her to share with the Committee that he is in support of the variance as well. Chair Brown acknowledged the ZBA on how well they handled the process. He stated that the ZBA did a nice job since they could not possibly pass the Findings in the affirmative and is glad that the ZBA handed off the variance request the way that they did. Brown requested that staff thank the ZBA for their process.

Motion: To recommend to City Council approval of Ordinance 13-06: Variance for a covered front porch setback, 610 Ritter Drive
Maker: Clark
Second: Stark
Roll Call Vote: **Aye:** Brown, Sparks, Chanzit, Clark, Atac, Stark
Nay: None
6-0 Vote, 1 Absent, Motion carried.

5. Discussion: Kirk Road and Wilson Street (Scott Buening 1/9/13)

Buening reported that this was land that was acquired by the City in 2010. There have been some development proposals on it but nothing was successful. The land was deeded to the City to be used for some sort of future purpose. The deed restriction has expired and we could use the land towards any purpose we would like to use it for. Staff would like some opinions on what we should do with the land. Staff feels that this land should be used as commercial property/sales-tax generating facilities. Staff is suggesting a gas station as a potential use of the property. However, Kane County has jurisdiction on Kirk Road so it is very unlikely to get a right-in and

right-out onto Kirk. Volk suggested that the City should make certain that potential buyers are aware of the access onto the site. Buening discussed the potential options the City could do with the land as listed in the memo addressed to the CDC.

The CDC discussed potential uses, deed restriction, configuring the site, and the bidding process. The CDC was in favor of option two: Direct staff to proceed with putting the property on the market by obtaining an appraisal for the land and posting a sign advertising the parcel for sale.

Motion: To direct staff to proceed with putting the property on the market by obtaining an appraisal for the land and posting a sign advertising the parcel for sale
Maker: Chanzit
Second: Stark

Discussion was held on the motion. Buening asked if the CDC would like to put any restrictions on the sale. He stated that the easiest and the best way to control what goes on the property is by placing a restrictive covenant on the property. The City Council could release the covenant if they found an acceptable use for the property. The consensus of the Committee was not in support of adding restrictions onto the sale.

Roll Call Vote: **Aye:** Brown, Sparks, Chanzit, Clark, Atac, Stark
Nay: None
6-0 Vote, 1 Absent, Motion carried.

6. Discussion: City Development Incentives (Jason Bajor 1/15/13)
Bajor stated that he would like the focus of tonight's discussion be based on the Façade Improvement Program and the Downtown Improvement Grant program. Future discussion will be made regarding micro-loans and the other programs.

Bajor stated that by hearing the concerns and suggestions made by the Committee, staff has returned with some suggestions for the Façade Improvement and the Downtown Improvement Grant programs. The following are the current provisions and recommended changes to the Façade Grant Program (i.e. external building improvements):

- Maintain the 50/50 match provision between property/business owner and the City.
- Maintain the minimum project budget of $1,000 (i.e. minimum grant of $500) but raise the maximum project budget amount from $10,000 to $20,000 (i.e. maximum grant of $10,000).
- Property owner must be co-applicant with any business requesting assistance.
- Include an economic development assessment of the project's impact/value for the City Council's consideration prior to approval.
- Include tuck pointing as an allowable improvement for grant eligibility, however, under a one-time only provision.
- Include business signage as an allowable improvement for grant eligibility; with guidelines as to permitted and non-permitted signage types and a claw back/refund provision should the business close prior to a suitable time period.

The following are the current provisions and recommended changes to the Downtown Improvement Grant Program (i.e. internal building improvements):

- Maintain the 50/50 match provision between property/business owner and the City.
- Reduce the minimum project budget to $1,000, down from $2,500 (i.e. minimum grant of $500) and also reduce the maximum project budget amount from $50,000 down to $20,000 (i.e. maximum grant of $10,000).
- Include an economic development assessment of the project's impact/value for the City Council's consideration prior to approval.
- Restrict the allowable improvements for grant eligibility to permanent, code-related construction and remodeling (i.e. electric, plumbing, etc.).
- Property owner must be co-applicant with any business requesting assistance.

Bajor continued that an applicant would still be able to request funding under both grant programs within a single project as long as the improvements meet the applicable grant criteria (i.e. allowable internal and external improvements). However, applicants requesting amounts in excess of the single or combined grant amounts ($10,000 or $20,000) would be required to submit a TIF Assistance Application, and proceed through the associated financial review and analysis which would ultimately culminate into a Redevelopment Agreement being approved by the City Council.

Sparks requested clarification on a claw back for business signage. He questioned how one would collect on that if the business went out of business. Bajor responded that if the property owner is the applicant and the business left, staff is envisioning that the property owner would be responsible for some sliding scale value of the sign based upon a time-line that staff and the Committee feels comfortable with. Sparks asked why we would not consider a stand-alone program for signage. That way a minimum amount could be set a lot lower for businesses that want to do signs. Bajor stated that in terms of ease of administration, they felt that it could be included with Façade Improvement Program. However, staff could divide it out if the Committee feels that it is best.

The Committee continued discussion on tuck pointing. O'Brien questioned what the 'one-time only provision' entails. Buening responded that staff considered the timeframe left of the TIF and do not believe that a person would have to have a second tuck pointing during that fourteen year time-period. This allows the City to refrain from a maintenance situation.

The Committee discussed maintenance, project price limits, deadlines, and the program successes. Brown stated that several Committee members have requested from staff a report summarizing: how well this program has worked, what is the success of the program, are the businesses still in business, and what is the outcome of this and how it is important. Bajor responded that staff had sent out a memo to the CDC in December with quantitative information but not qualitative. Bajor gave a narrative to the Committee. He stated that all of the businesses are still in operation or have just started operation. None of the businesses have closed. The grant programs have been successful since they have made internal or external improvements to the

space and all of the businesses are up and running. The businesses are occupying space in our downtown and giving reasons for people to come and visit our downtown. Bajor offered to do a write-up on the qualitative information but suggested that the CDC revisit the December 11th memo and see where staff should go from there.

Bajor discussed with the Committee why he feels these types of grant programs are important for economic development. Buening added that the return from the grants is immense by increasing the property values, bringing in new tenants to the buildings, bringing in new revenue and offseting tax liabilities. The grant programs allow the City to invest in the buildings, improve them, and make sure that the buildings do not deteriorate. There is a value to these buildings in the downtown area and the downtown is a special place. The grant programs help support and attract new businesses. Chanzit questioned if the business community is confused about our enthusiasm for the grant programs. He noted that there has been a lot of back and forth between the CDC and staff and he wondered if we are doing more damage by dragging this process on. Bajor responded that staff has had to have conversations with people who have wanted to submit an application for the grant programs. Staff has had to state that they would have to put applications on hold until the dialog has been completed.

Daniel Zedan, 804 Pottowatomie Trial, addressed the CDC. He shared that he is a business owner of Nature's Finest Foods currently located in Wayne Illinois. Zedan has been looking at opening a retail operation in Batavia. He started inquiring about what assistance might be available back in November. He also discussed this with St. Charles and Geneva. The building that he is looking at is at 4 East Wilson. He has been working with Batavia Enterprises to negotiate a lease. He has been made aware of the grants and has been on hold for two months to find out if there are going to be grants for the façade and the interior of the building. He is getting to the point that he will have to make a decision by the end of this month as to what he is going to do. He has not been able to get questions answered as to if he turns in the application now and starts construction would the application be considered retroactive. He is looking at a retail operation that would take up the entire main floor of the building and potentially moving his other business from Wayne to the same building later on.

Zedan addressed Chanzit's concern if the City is sending out the wrong message by dragging this process on. Zedan stated that he is very proud of Batavia and would like to move his business and his son's new business to this town. The uncertainty and the fact that he cannot get an answer make him seriously look at if he can wait any longer. As a small business owner, this grant could potentially make or break us coming into Batavia. The grants in any amount would be a big help, particularly since one of the businesses is a new business. When we are looking at putting capital into it and investing into Batavia, ten to twenty thousand dollars makes a big difference in what we want to do. He heartedly recommended that the CDC come to a resolution as quickly as possible so business owners like him can make decisions to move into your town.

The Committee directed staff to proceed with staff's recommendation to meet with MainStreet and the Chamber to come back to the CDC with a final conclusion. Chair Brown stated that we would like to pursue and continue on with these grants. The CDC was in agreement with Brown's statement. Nine out of the fourteen aldermen were in support of the grant programs. The CDC asked staff to report back to the committee with a final recommendation in two weeks.

7. Ordinance 13-01: Amending the Zoning Code Subdivision Regulations Regarding Driveways and Driveway Approaches (Joel Strassman 1/9/13)

Strassman reported that as requested by the City Council, the Plan Commission on December 19th held a public hearing to consider recommending the amending the City's Zoning Code to allow wider driveways and driveway approaches.

The Zoning Code regulates improvements on private property. For single family residences, driveways can be up to 14 feet wide for a one car garage. For larger garages, the driveway can be up to 18 feet wide at the property line and be up to 4 feet wider at the door opening. Driveways for other duplexes, multiple family residential, and non-residential properties must be a minimum of 14 feet wide for one-way traffic and 20 feet for two-way traffic. There is no stated maximum width.

The Subdivision Regulations addresses improvements in the right-of-way. The portion of the driveway in the right-of-way known as the "approach" or "apron" is limited to 22 feet wide at the curb or street pavement, and must narrow to 18 feet at the sidewalk or to 14 feet if the garage doors are more than 45 feet from the property line. There is no maximum width for approaches that do not lead to driveways beyond the right-of-way; however, curb cuts are generally limited to 22 feet wide.

In preparation for the public hearing, staff reviewed the existing zoning and subdivision controls and determined that the maximum driveway widths at the property line as stated in the Zoning Code and Subdivision Regulations are appropriate, however, other controls in both of those City Code Titles both could be refined to better regulate driveways. For instance, there is no maximum width for driveways for duplexes, multiple family residential, and non-residential properties. Also, driveways that do not lead to a garage are not regulated at all. Staff consensus was that overall, driveway widths allowed by the City Code are appropriate. While wider driveways may be beneficial to some homeowners, there are potential negative impacts to the City. First, wider driveways equate to more impervious surface that could impact storm water management. Second, wider driveway approaches would cost the City more to replace as part of road improvement projects. Wider approaches would displace parkway landscaping, an impact that would be magnified on cul-de-sacs.

At the public hearing, the consensus of the Commission was that allowing driveways on single family private property to be up to 2 feet wider than allowed now could be beneficial to homeowners. Staff has prepared illustrations to show the effect of the wider driveways. The Commission was against allowing wider residential driveway approaches, due to potential increased costs to the City and for the resulting loss of parkway landscaping. Regarding stormwater management, staff has begun to consider putting forth a Zoning Code amendment to control the amount of impervious lot coverage. Consensus was reached regarding staff recommended controls to non-residential driveways, including the cap of 40 feet wide and to allow for consideration of wider industrial driveways and driveway approaches through the administrative design review process. This process allows staff to consider factors such as difficulties of existing conditions that may warrant allowing a wider driveway or driveway approach.

Draft Ordinance 13-01 includes amendments to both the Zoning Code and Subdivision Regulations to implement the Commission's recommendations. Staff recommends the Committee recommend approval of draft Ordinance 13-01.

Strassman explained that a resident in Alderman Dietz's Ward wanted to widen their driveway approach. The subdivision regulations controlled that and would not allow for a wider approach. As an alternative, the homeowner considered widening the driveway but the resident is already at the maximum width allowed for the driveway. Strassman noted that staff did not decide on amending the Zoning Code solely for this one resident. They considered the situation holistically and decided that the Zoning Code could use some revisions. He added that he does not know if the resident would be in favor of the proposed changes to the code.

Dietz, via conference phone, explained to the Committee the reason behind the resident's request for a wider driveway. He stated that the driveway was built to wrap around a tree and now the tree has been removed. The resident would like to open up the driveway to straighten it out. It would look unappealing to keep the driveway as it is. Mayor Schielke added that from what he understands, the resident would like to fill in the gap that the tree removal has caused. The CDC reviewed a picture of the driveway via Google Maps and held a lengthy discussion regarding the Zoning Code amendments.

Motion: To recommend approval of Ordinance 13-01: Amending the Zoning Code and Subdivision Regulations regarding driveways and driveway approaches
Maker: Sparks
Second: Chanzit

An amendment was made to the motion by Alderman Atac:

Motion: To accept all of the Plan Commission's recommendations except for the increase in width of the driveways in the residential areas.
Maker: Atac
Second: Clark
Roll Call Vote: **Aye:** Atac, Clark
Nay: Brown, Sparks, Chanzit, Stark
2-4 Vote, 1 Absent, Motion failed.

Brown administered a roll call vote on the motion made by Sparks and was seconded by Chanzit:

Roll Call Vote: **Aye:** Brown, Sparks, Chanzit, Stark
Nay: Atac, Clark
4-2 Vote, 1 Absent, Motion failed.

Sparks requested that if this Ordinance is approved by Council that staff contact the resident and inform the resident what can be done.

8. Streetscape

Basquin reported that staff is going through the process of closing the River Street project. There are only three or four Change Orders left. The amount of money we have left under the project amount is 80K. The allowances that are left are 25K and the other one we have not used is the 123K from the unsuitable material that would have been used for both River and Houston Street. We are 20K into the contingency and have about 77K left. The gateway arch, railing, gate

to the alley, and newsboy alley are part of that amount. The CDC discussed the arches, newsboy alley, remaining change orders, and the curbs.

Basquin reported that when the plans were designed, the planters themselves were all supposed to be nominally six inches. He explained that the entire elevation of the curb to the street were supposed to be six inches. The actual design of the planters was supposed to follow the slope of the road. During the process of construction, the question came up regarding what staff would like to do with the planters. The designers informed staff that the planters would look better with the elevation being flat across and not being sloped with the pavement. Staff then agreed to make them all the same elevation going across. When that went through to the designers, they redesigned it without changing the elevation of the planters to take in the six inches. We now have the down slope side being taller. The designers stated that in order to get the six inches we would have to pay more to get the granite bigger. Staff was never given the opportunity to do that. Leopardo and the designers agreed upon a certain height for the granite and at the job site we were not able to get the six inches. Staff discussed the options with all the stakeholders. Since the granite was on site they installed the granite to what exists now, with the varying heights of the granite instead of having it six inches across. Staff is looking into this issue with the stakeholders and is trying to figure out how to move forward to get the minimum six inches. The CDC discussed the GMP documents. O'Brien stated his concern for not burying granite under concrete and soil. He noted that for safety concerns, the planters should be six inches nominal. Basquin stated that a discussion will be needed with staff and the aldermen regarding this situation. Staff will come up with a price to replace the granite to get the height to where we need it.

The CDC discussed granite cladding. Basquin stated that staff received pricing for the cladding at the front wall at El Taco Grande and the planter at Tusk. Basquin reported that granite cladding would be 39K, if we replace the caps to put granite on both sides of the wall with a wider cap it would be 66K. For the statue base, Basquin received an estimate of 22K to build the foundation. He will get other estimates for the CDC to review. The CDC discussed the statue base and the merit of concrete versus granite. Basquin recommended granite cladding for the statue base for the best aesthetic value but noted that the price is too high. Basquin stated that concrete would still look nice but not as nice as granite. Tenuta requested a memo with the costs and any additional information for the CDC to consider. She stated that it is unfortunate that we changed what was originally designed. Basquin stated that he will write up the numbers and report back to the CDC at the next meeting or the meeting after that.

Brown reported that Wilson Street is being bid on this week. Basquin stated that staff should have a number on Thursday as well.

Tenuta asked about the River Street light poles. Basquin stated that when the light poles were first installed no one noticed the orange peel on them. When the sun hits the light poles at dusk there is a very noticeable orange peel on several of the light poles. Staff spoke to the manufacturer regarding this. The representative of the company explained that the orange peel is up to the manufacturer's tolerance. Basquin explained to the representative that the paint does not reflect the paint chips that the City received at all. Possible solutions would be to paint the

poles in place, receive a credit or replace the poles. Basquin will be reviewing all of the poles to see how many have the severe orange peel on them.

9. Project Status Update

McGrath discussed TIF financials with the Committee. McGrath displayed a spreadsheet with the TIF financials for the CDC to view. He discussed each column with the Committee including: Reserves that we still have, tax revenues, other revenue, River:TIF, Houston:TIF, Wilson:TIF, ITEP, Interconnect, Wilson/River, Wilson and Net 113K, Ped Crossings, Water St (1st to Main TIF), Batavia Ave TIF, Grant Programs and Misc, Repayment to GF, Sub Total TIF, Available for Spending, and Reserves.

McGrath stated that there is only fourteen years left in the TIF. He added that discussion will have to be made on whether the cost of some of these projects make sense now and what we will do at the tail end of the TIF. Brown clarified that the spreadsheet displayed is the plan. Staff is seeking for input if anyone has an objection to the proposed plan. If not, staff will continue on with the plan. Brown continued that if someone comes to us with a great proposal we can adjust the plan. Currently, we do not have a great proposal. McGrath stated that staff feels that we are being directed to go ahead with Houston Street at the estimated cost we have now. The cost may grow because there is talk of getting an additional roadway or wider area for pedestrians.

McGrath noted that discussion on Water Street will have to be held at a later date. He explained that one issue staff has is that the block of Water Street is going to be part of the bridge corridor. We have to be mindful of to what extent we want to improve it now and later.

McGrath asked the Committee to consider where we would fit in other streets in the budget. There is no money allocated for sidewalks on Water Street from Houston up to Wilson. It is not a lot of money and staff will supply some estimates. Staff will add some safety sidewalk costs, add the bid amounts, and send this spreadsheet out to the Committee.

10. Other

Buening reported that Wal-Mart is under construction. The foundation is completed.

Chick-fil-A has a temporary Certificate of Occupancy. They plan to open February 7th.

11. Matters From the Public

There were no matters from the public.

12. Adjournment

There being no other business to discuss, Chair Brown asked for a motion to adjourn the meeting at 10:18pm; Made by Chanzit; Seconded by Atac. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith

MINUTES
January 8, 2013
CITY SERVICES COMMITTEE
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 Volk called the meeting to order at 7:30pm.

1. Roll Call

Members Present: **Chair Volk; Vice-Chair Liva; Ald. O'Brien, Tenuta, Frydendall and Jungels**

Members Absent: **Ald. Dietz**

Also Present: **Mayor Schielke (arrived at 7:39pm); Chief Deicke, Batavia Fire Department; Gary Holm, Director of Public Works; Bill McGrath, City Administrator; Noel Basquin, City Engineer; Andrea Podraza, Civil Engineer; Scott Haines, Street Superintendant (arrived at 7:39pm); and Jennifer Austin-Smith, Recording Secretary**

2. Approve Minutes for December 15, 2012 CDC/City Services Joint Meeting

Motion: To approve minutes for December 15, 2012
Maker: Jungels
Second: O'Brien
Voice Vote: 6 Ayes, 0 Nays, 1 Absent
Motion carried.

3. Items to be Removed/Added/Changed
There were no items to be removed, added or changed.

4. Code Review Section 7-2 Forestry (WRM 2/20/12)
McGrath reported that there are three basic areas of change within the Forestry section of the code. First, the code was written prior to the Tree Commission coming into existence so many tasks were forward-looking. Staff has changed those terms to reflect the current reality of the commission. Second, staff has cleaned up the appeal section as we now have local adjudication as a tool. Staff recommends that City Services Committee be the last step so that a citizen can thereafter go immediately to court to question the decision if desired, unless a large amount is in involved. Third, staff is recommending that we draw the line between public and private nuisances. The City is getting involved in what we consider to be private, not public, nuisance matters. For example, if a neighbor has a tree issue with another neighbor, the City can be called and spends considerable time and expense to try to resolve issues, when they do not impact anyone else in the community. Scott Haines estimates that he was involved in approximately 50

such incidents last year. He estimates that these issues may have taken up to 1/5 of his regular time which we feel is inappropriate. Staff has surveyed other cities and found that they do not get involved in private matters at all if it does not impact the public.

Staff has redefined "public nuisance" to be just that: situations where a tree on private property may impact the public in general, either by potential damage to adjacent public property such as light poles, transformers, street trees, wires, etc. or where injury to the public rightfully using City streets walks, or other property, such as City parking lots may occur unless the situation is abated. This will result in a savings in time for staff to work on things that impact the public.

The Committee discussed diseased trees and differences between public and private nuisances. This topic will be forwarded to the Tree Commission and will return to the City Services Committee (CSC) in March 2013.

Tenuta asked about the specification manual. McGrath responded that there is a manual and he will see if he can get the manual on the City website. Haines stated that acceptable tree lists are already on the website.

5. 2013 Bridge Sculpture Call for Entries (WRM 1/3/13)

McGrath reported that staff would like to begin this process as soon as possible. Last year the City received only fourteen entries. McGrath has expanded the application deadline by a month. He would like to get as wide of an array of applicants as possible. He questioned whether the Committee would like to do a budget amendment for an additional 30K and put the call for sculpture out for both of the remaining sculptures (Science and Art). Chair Volk commented that the CSC would not have to do the budget amendment until we accepted a proposal. We could have the proposals come in and get an understanding on the quality and quantity of sculptures for each category. McGrath considered advertising nationally for the call for sculpture. The consensus of the Committee was in support of advertising nationally for this competition and casting a wider net for potential applicants. The CSC was in support of moving forward with the 2013 Bridge Sculpture Call for Entries process.

6. Refuse and Recycling Program – Discussion and Request for Authorization to Continue Working with Cities of Geneva and St. Charles on a Joint Bidding Process (SH 12/27/12)

Haines reported that staff has been discussing the possibility of a joint refuse and recycling program with both Geneva and St. Charles. St. Charles' contract is not up until two years after our contract expires. Geneva's contract is up at the same time as ours. St. Charles is interested in joining our three programs together to go out to bid. Haines discussed the recent bids that went out this past summer listed within his memo. Staff feels that it would be advantageous to merge our programs together to get the best pricing. O'Brien suggested that staff contact North Aurora to see where they are with their bidding process. The consensus of the Committee was in support of joining with the other communities to get a better rate.

Sparks questioned about commercial recycling programs. Holm responded that the County has placed recycling at the commercial level as one of their priorities. O'Brien questioned if the City could consider having whoever is hired serve all the downtown businesses for a better rate.

McGrath stated that Batavia MainStreet and the Chamber of Commerce should be included in this discussion to assess the opinions of the business owners. Haines will get more information from St. Charles since they do this in their downtown. Holm noted that additional administrative burden may fall upon the City in regards to scheduling pick-ups and missed pick-ups. Volk agreed that this would be an interesting topic to discuss with MainStreet and the Chamber. He added that it is important to see if the local businesses would be interested in this or if they like it the way it is.

The CSC discussed the sticker program and recycling bins. The consensus of the Committee was in support of the sticker program. There is a need to dispose of large items. Bulk item removal should be continued. In regards to recycling bins, there is a need to have the option for bins of various sizes with covers. The CSC would like to keep the sticker program and have staff investigate receiving free recycling bins in various sizes with covers. Haines stated that prior to going to bid, staff will return to the CSC with various options for discussion.

7. 2013 New Sidewalk Program and Five-Year Projected New Sidewalk Installation Program – Request for Authorization to Seek Bids (SH 1-2-13)

Haines reported that they reformulated the ten year program into five years. He noted that Spring Street south side on the 2013 list is included in a request for a grant. If the grant is approved Spring Street will be removed from the list. Staff's intent on getting this program approved is two-fold: One, to get this project out to bid and two, to enable staff to contact residents well in advance so that residents could move any plantings in the way of the proposed sidewalk.

Tenuta stated that for those who live on the west side of Randall on Main Street getting to the high school is dangerous. Students who want to bike or walk cannot because there are no sidewalks. Basquin stated that staff has talked with the County about crossings and the County decided on the areas that will get crossings. Main Street was not chosen by the County due to grading issues. Tenuta stated that without a marked crossing or anything at that location for pedestrians does not make this a safe route to school. She questioned why this is not a safe route to school. She continued that we need to look at Randall and Main Street for the connectivity west of Randall. Basquin responded that Randall and Main Street are both County roadways and staff will have to work with the County to get something done at that location. Tenuta requested that this intersection become more of a concern for our City and for those residents in that part of our community. Volk stood with Tenuta with the request for staff to look into this with the County and report back to the Committee as soon as possible.

Motion: To recommend staff proceed with the new 2013 Sidewalk Program
Maker: O'Brien
Second: Liva
Voice Vote: 6 Ayes, 0 Nays, 1 Absent
Motion carried.

8. Hardships for Violations for Cherry Park – Johnstone Drive and Sump Pump Connections (AMP 1/3/13)

Podraza stated that this is a continued discussion regarding drainage concerns in Cherry Park as well sump pump connections in the Woodland Hills area. Staff has sent notices to both of those areas in November and December of last year. Initially, a six month time frame was given to comply with the current ordinance and zoning regulations. Then, staff extended the time frame to a full year to comply.

The sump pump program had positive results. There are only seven left on the list of those still needing to comply. Two have already applied for right-of-way permits. Four have not contacted staff and one contacted staff with a hardship. Staff would like to go ahead, since the one-year allotment has passed, and send those who have not complied to Code Enforcement. The next step would be adjudication, minus the resident who contacted staff with a hardship notification.

Podraza discussed the Cherry Park area drainage concerns. In the Cherry Park area there are still six obstructions (mostly sheds) in the drainage and utility easement that have not complied. Three have removed obstructions within the easement. In this area, staff has received one hardship notification. The remaining five have not contacted the City. Staff is planning on sending those who have not complied to adjudication through Code Enforcement since the one year time frame has expired.

Podraza would like to have input from CSC on how the Committee would like to handle the hardships. She explained that since this is the first time staff has had to administer this type of program staff would like to formalize the process.

O'Brien stated that he takes this very personal since this is the First Ward. He is very unhappy about sending these residents to adjudication. O'Brien commented that he is aware that the residents have been notified by staff. He questioned if there has there been any personal follow-up. Residents are working and are living their lives and may have forgotten. He does not want to continue punishing residents, especially those in the First Ward. We have to be gentle with the residents. They are our tax-payers and who we work for. We may be asking people to spend money that they do not have. Perhaps they do not want to inform the City that they are having hardships. O'Brien concluded that he does not know what the answer is, but he knows it is not sending residents to adjudication. Sparks noted that most of the First Ward was built in the County without any regulations or rules.

The CSC discussed correcting drainage problems, how drainage problems affect residents, and the adjudication process. McGrath clarified that when residents are brought to adjudication, they are not immediately charged a large fine. Adjudication is solely about compliance. The adjudication judge will find out if the resident can get the improvement done and by when. Then the resident will return to the adjudication judge for updates. Generally, if there is no compliance there would be a fine administered, held in an advance, until another date for compliance. Generally if they comply by that time, the fine is removed and the resident has to pay $75 cost for the staff time of adjudication. Volk stated that adjudication is a process in order to get compliance and ultimately get the improvements done. The process could take up to a year. O'Brien appreciated the clarification on the adjudication process.

Sparks requested a recess to speak with O'Brien in the Alderman's room. The CSC approved the recess. Volk administered a five minute recess. The CSC reconvened and O'Brien addressed the Committee. He stated that McGrath's explanation of the adjudication process helped him a great deal. He understands and agrees that the drainage issues need to be cleaned up. Since the adjudication process is a civil process for the people, to help them to go through the process and come to compliance he is in support of bringing the residents to adjudication. O'Brien stated that his concern for adjudication was that the residents were going to be charged immediately with a large fine.

McGrath stated that improvements on the process should be made. Letters to residents could be softer in manner. Also, the prospect of recording the second notice may be administered. He explained that if it is recorded someone cannot sell the house without notifying the prospective new homeowner regarding the needed improvements.

The CSC discussed hardships. McGrath suggested that staff determine what a hardship is rather than having the residents address the Committee regarding these personal matters. Since this is a people issue, staff will work on the timeline and report back to the CSC regarding what will be done. If the aldermen feel that staff is being unreasonable it could be addressed at the meeting. McGrath suggested dealing with hardships in six month increments. Once the hardship process has been completed and if there is no compliance, the residents will be brought to adjudication. The consensus of the Committee was to allow staff to work with residents regarding hardships. Volk asked staff to report back to the CSC at the next meeting on the progress.

9. Resolution 13-03-R Amending the Intergovernmental Agreement with Tri-Com Dispatch Center (RD 1/4/13)

Chief Deicke reported on his memo. He is looking at consolidation to save money with Tri-Com. Changing the fee structure would make it more adaptable towards consolidation and cost savings for all the cities involved. All stakeholders have approved amending the Intergovernmental Agreement. Mayor Schielke stated that this amendment is smart planning. Police dispatching pricing will be increasing in Kane County so this agreement will be a large cost savings for Batavia. He commends Chief Deicke for his efforts on this because he is protecting Batavia for the long-term.

Motion: To recommend approval of Resolution 13-03-R: Amending the Intergovernmental Agreement with Tri-Com Dispatch Center
Maker: O'Brien
Second: Liva

Discussion was held on the motion. McGrath noted that the other two cities are going to bring this discussion to their February 4th City Council meetings. He asked the Committee if it would be agreeable to have this discussion at Batavia's City Council meeting on February 4th as well. There was no objection.

Voice Vote: 6 Ayes, 0 Nays, 1 Absent
Motion carried.
CONSENT AGENDA

10. Others

Haines requested to have a poll administered for vehicle replacement later this week. The vehicle could be replaced and moved to Community Development. Volk responded to have Jeannette poll the committee.

Sparks asked about the process of the bull dog sculptures. McGrath answered that one bull dog is being worked on by an artist in California and the other should begin on February 11th and be completed within a month.

11. Matters from the Public

There were no matters from the public at this time.

12. Adjournment

There being no other business to discuss, a motion was requested by Chair Volk to adjourn the meeting at 9:10 pm; Made by Liva and seconded by O'Brien. Motion carried.

Minutes respectfully submitted by: Jennifer Austin-Smith