

**CITY OF BATAVIA**  
**MINUTES OF THE BATAVIA CITY COUNCIL**  
**April 18, 2016 at 7:30 p.m. - City Council Chambers**  
**100 N. Island Ave. Batavia, Illinois**

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. Minutes 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. Any references to discussion and /or statements are only to provide greater clarity to the public and they may not reference all, some, or any of an individual speaker's comments.

**1. MEETING CALLED TO ORDER** by Mayor Schielke 7:33 p.m.

**2. INVOCATION followed by PLEDGE OF ALLEGIANCE** led by Ald. Brown

**3. ROLL CALL: 11 of 14 aldermen were present.**

Aldermen (by ward): Michael O'Brien (1), Carl Fischer (1), Martin Callahan (2), Alan Wolff (2), Kyle Hohmann (3), Lucy Thelin Atac (5), Kevin Botterman (5), Nicholas Cerone (6), Michael Russotto (6), David Brown (7) and Drew McFadden (7) were present. Dan Chanzit (3), Susan Stark (4), and Paula Mueller (4) were absent.

Also present were BATV and members of the press, public and the following:

City Administrator	William McGrath
City Attorney	Roman Seckel
City Clerk	Heidi Wetzell
Community Development Director	Scott Buening
Finance Director	Peggy Colby
Fire Chief	Randy Deicke
Police Chief	Gary Schira
Public Works Director	Gary Holm

**4. ITEMS REMOVED/ADDED/CHANGED - None**

**Ald. Mueller entered the meeting at 7:38 p.m. making 12 of 14 aldermen present**

**5. CONSENT AGENDA**

**Accept and Place on File:**

- A. Committee of the Whole Minutes for November 5, 2015, January 26, February 23, March 8, March 15, and March 22, 2016
- B. March 2016 Building Report
- C. Historic Preservation Minutes for February 22, March 14, and March 28, 2016
- D. Plan Commission Minutes and/or Zoning Board of Appeals for January 20, February 3, and March 16, 2016

**Approvals:**

E. April 8, 2016 Payroll \$828,004.44

F. Accounts Payable Check Register \$3,799,848.79

G. City Council Minutes for March 21, and April 4, 2016

**H. RESOLUTION 16-34-R: Authorizing Execution of an Intergovernmental Agreement with Illinois Department of Transportation for Routine Maintenance of Certain State Routes (Gary Holm 3/23/16 COW 4/5/16 11/0) CS**

**I. ORDINANCE 16-17: Amending the Official Zoning Map - 500 & 501 Wind Energy Pass, 502 & 503 Pottawatomie Trail and 427 Ridgelawn Trail. City of Batavia, Applicant (Drew Rackow 3/21/16 COW 4/5/16 11/0) CD**

**J. ORDINANCE 16-18: Amending the Text of the Zoning Code (Drew Rackow 3/31/16 COW 4/5/16 12/0) CD**

**K. APPROVAL:** Purchase of a Replacement Staff Vehicle  
(Chief Randy Deicke 3/29/16 COW 4/5/16 12/0) CS

**L. RESOLUTION 16-36-R: Budget Amendment for the Purchase of Software (Peggy Colby 3/3/1/16 COW 4/5/16 12/0) GS**

**M. RESOLUTION 16-41-R: Approving Task Order #3 with Engineering Enterprises Inc. for development of a Water Works System Master Plan for an amount not-to-exceed \$136,143.00 (Gary Holm 4/7/16 COW 4/12/16 13/0) PU**

**Motion by Ald. Atac, seconded by Ald. McFadden, to approve the Consent Agenda as presented. Motion Carried 12 yea/ 0 nay/ 2 absent**

**6. PROCLAMATION: Valley Sheltered Workshop--Scott Hagemann**

Ald. Atac read the proclamation recalling the history and honoring the 50<sup>th</sup> Anniversary of Valley Sheltered Workshop.

Scott Hagemann, President of VSW, announced the annual pancake breakfast will be the same day as the parade and invited all to come on out and support the workshop which has 24 hard working people.

Mayor Schielke presented the Proclamation and recalled the workshop provided a very crucial service to the City. Fifty years ago First Electric needed workers and could not find enough, this was the catalyst for the workshop which has employed people and been a help to the business community. He complimented the excellent staff of the workshop.

He noted the current home of the workshop was the Richardson residence which had a bad fire and after the fire the land was donated to the workshop for their new location.

**Motion by Ald. Atac, seconded by Ald. Hohmann, to approve the Proclamation as read. Motion carried 12 yea/ 0 nay/ 2 absent.**

**7. RECOGNITION: Officer Brian Nallenwag--Retirement 26 Years of Service (Chief Schira)**

Chief Schira told the assembled that Nallenwag has worked for the city for 26 years after being an officer in Elk Grove. He has served in several capacities including the computer forensics

expert. He has received many awards and has always been there to help others. He will be deeply missed.

Mayor Schielke presented a plaque recognizing Nallenwag's work with the police force and Nallenwag presented the City with a photograph he took of one of the windmills.

Nallenwag thanked his family and friends for coming tonight and thanked his family for understanding when he was gone for holidays. He explained that since the DARE program was discontinued he has made the effort to create a relationship with the youth of the city by being in the schools, having lunch with the kids, give them tours of the department and show up at their events. He hopes that someday the DARE program or an equivalent will be brought back to the schools. He is very proud to have belonged to the Batavia Police family and also working with the good people of the Fire Department, Public Works, and ESDA who all work a good quality of life for the residents of Batavia.

Nallenwag was presented with a large handmade card from Cub Scout Pack 103 at Gustafson School.

#### **8. PROCLAMATION: Arbor Day--Gary Holm (Scott Haines 4/13/16)**

Ald. Atac read the Proclamation recalling the history of Arbor Day, the designation of Batavia as Tree City USA site, and proclaiming April 29, 2016 as Arbor Day.

Public Works Director Gary Holm accepted the Proclamation and thinks it is good that the community acknowledges this every year.

Mayor Schielke reminded all that in the 1950's Batavia lost over 3,500 trees to Dutch Elm disease and in the next 10 years they planted 7,000 trees. Since then Batavia has added 10,000 to 12,000 trees. The tree canopy the city enjoys is a direct result of the work done by those who took Arbor Day and trees seriously.

**Motion by Ald. Atac, seconded by Ald. Wolff, to approve the Proclamation as read. Motion carried 12 yea/ 0 nay/ 2 absent.**

#### **9. RECOGNITION: Emergency Management Certification (Chief Deicke)**

Fire Chief Deicke explained the certification verifies that Batavia ESDA meets the requirements of the Illinois Emergency Management Act which requires training for the full time staff and ESDA workers, completion the emergency operations plan and conducting several exercises in the emergency operations center. In the instance of a disaster this training will bring about well coordinated relief efforts.

#### **10. MATTERS FROM THE PUBLIC: (For Items NOT on the Agenda)- none**

## **11. MAINSTREET MINUTE**

Jamie Saam, Executive Director of Batavia MainStreet, thanked all the ESDA members as they help out at all the downtown events and outdoor markets.

Three longtime downtown businesses have relocated to new downtown locations. On March 26<sup>th</sup> there were 1,500 people downtown for the Easter Egg Hop, 1,000 more than the year before.

This year the Farmer's Market will be able to accept Link Cards so the fresh food will be available to everyone.

**12. APPOINTMENT:** Reappoint Dennis Anderson to the Batavia Board of Fire & Police (Cheryl Shimp 4/6/16)

**Motion by Ald. Fischer, seconded by Ald. Wolff, to approve the reappointment of Dennis Anderson to the Batavia Board of Fire & Police Commissioners. Motion carried 12 yea/ 0 nay/ 2 absent**

**13. ORDINANCE 16-19: Revising Title 3 of the Batavia Municipal Code Creating New Class B Liquor Licenses (Chief Schira 3/30/16)**

Ald. McFadden introduced the ordinance and noted that some businesses have asked for this. The Ordinance creates two licenses a B4 for retail sale of beer and wine only and a B5 for retail sale of any alcoholic liquor. The fee for either license will be \$750.00 per year.

Ald. Atac asked why there were two categories when the beer and wine could be sold with the general alcohol license. Ald. McFadden replied there will be a review of the fees after a period of time and the fees for the licenses in the future may be different.

Mayor Schielke noted that there have been issues in other communities where the gas stations have basically turned themselves into liquor stores that sell gas. The idea was to set up different categories and revise them as needed.

**Motion by Ald. McFadden, seconded by Ald. Callahan, to approve Ordinance 16-19: Revising Title 3 of the Batavia Municipal Code Creating New Class B Liquor Licenses. Motion carried 12 yea/ 0 nay/ 2 absent.**

**14. RESOLUTION 16-32-R: Authorizing execution of the contract for Drainage Investigation with WBK Engineering, LLC for an amount not-to-exceed \$27,472.37 (AMP 3/30/16 COW 4/5/16 12/0) CS**

Ald. Wolff informed all this is a budgeted expense to look at the East Side Ward 1 drainage issues.

Ald. O'Brien asked about the Mahoney Creek Tributary as there is much water from Fermilab that runs through it and the possibility of work being done at Fermilab.

Ald. Wolff noted that the WBK is doing the work at Fermilab also.

Ald. O'Brien noted the majority of the study is in the area just south of Pine is which is at a higher elevation so those who are in a lower area getting flooded out. Public Works Director Gary Holm reminded all the area being studied flows into Indian Creek not the Mahoney Tributary and City has an easement on the Fermi property to allow for drainage however evidence suggests there is a need to review the calculations. There needs to be a reevaluation on the east side of Kirk and some regrading. This is a staff identified project that needs funding. Ald. O'Brien believes this is another reason for a Stormwater Utility.

**Motion by Ald. Wolff, seconded by Ald. Fischer, to approve Resolution 16-32-R: Authorizing execution of the contract for Drainage Investigation with WBK Engineering, LLC for an amount not-to-exceed \$27,472.37. Motion carried 12 yea/ 0 nay/ 2 absent.**

**15. RESOLUTION 16-37-R: Authorize Execution of an Easement Agreement for Riverbank Erosion Investigation (WRM 3/31/16 COW 4/5/16 12/0) CS**

Ald. Wolff announced the owners of the land have decided to give the City an easement on their land to do the Riverbank Erosion Investigation.

**Motion by Ald. Wolff, seconded by Ald. Hohmann, to approve Resolution 16-37-R: Authorize Execution of an Easement Agreement for Riverbank Erosion Investigation. Motion carried 12 yea/ 0 nay/ 2 absent.**

**16. APPROVAL: Motion Authorizing Mayor and City Clerk to Sign a Deed for Property on Walnut Street (Scott Buening 3/24/16) CD**

Ald. Brown reminded all that staff identified this as an excess piece of property which had one bidder, the owners of the adjacent lot who offered 80% of the appraised price which is the legal minimum the City can accept.

**Motion by Ald. Brown, seconded by Ald. Callahan, to approve a Motion Authorizing Mayor and City Clerk to Sign a Deed for Property on Walnut Street the price being \$2,240.00. Motion carried 12 yea/ 0 nay/ 2 absent.**

**17. RESOLUTION 16-39-R: Downtown Improvement Matching Grant for The Tea Tree, 29 N. River St (Chris Aiston 4/8/16 COW 4/12/16 13/0) GS**

Ald. Brown explained this is for tea shop that needs to put in an underground grease trap and this qualifies for a matching grant. This in an improvement that will stay with the building and attract another business should the shop decide to relocate to another area of the downtown.

**Motion by Ald. Brown, seconded by Ald. McFadden, to approve a Resolution 16-39-R: Downtown Improvement Matching Grant for The Tea Tree, 29 N. River St. for an amount not to exceed \$9,500.00. Motion carried 12 yea/ 0 nay/ 2 absent.**

**18. APPROVAL:** Class F Liquor License for Water Street Studios Music Performance May 27, 2016 (Chief Schira )

Ald. Atac announced Water Street Studios has asked the fee be waived/

**Motion by Ald. Atac, seconded by Ald. McFadden, to approve a Class F Liquor License for Water Street Studios Music Performance May 27, 2016 and waive fee. Motion carried 12 yea/ 0 nay/ 2 absent.**

**19. ADMINISTRATOR'S REPORT** – City Administrator Bill McGrath

Staff met with the representatives of the Kane County to examine the assumptions being used to formulate the county transportation impact fee for new construction.

For the past several years the County has reduced the fee by 50% due to the economic downturn and it is expected the new fee will be reduced also. There are also credits toward the fee if the business brings its materials in by rail or if an apartment building is in walkable distance to a grocery store thus reducing car trips.

Staff is being educated about brownfields which are contaminated sites. These are an issue in the West Town area and the Council may be asked to provide grants to help with clean up.

Mr. Balling will be joining the Council to conduct interviews for the new City Administrator on Tuesday May 17 and Thursday May 19 starting at 6 pm and running until 9 pm

Staff is working on a massage establishment license. Staff has had the input of local licensed massage therapists and the license fee will be very nominal.

Staff will be coming to the Council in September to discuss business registration.

The city wide garage sale is April 29 and 30

The Loyalty day parade is on Sunday May 1 at 1 pm

Brush collection begins in a few weeks

Ald. O'Brien asked about the bridge sculptures and was told it should be posted on the website very soon.

## **20. COMMITTEE REPORTS**

### Community Development Committee- Ald. Brown

The Committee of the Whole meeting for April 19 is cancelled. The Plan Commission will meet on April 20. Historic Preservation Committee will meet April 25.

### Government Services Committee- Ald. Atac

The Government Services Committee will meet in the Committee of the Whole on April 26 and May 3.

### City Services Committee – Ald. Wolff

The City Services Committee will next meet in the Committee of the Whole May 10.

### Public Utilities – Ald. O'Brien

The Public Utilities Committee has nothing on the agenda for April or May.

## **21. OTHER BUSINESS**

Ald. Callahan was at the Tri Cities Family Services fundraiser and found it interesting that one of the hot items of the night was bidding on the day with the three tri-city mayors.

## **22 MAYOR'S REPORT**

The annual loyalty parade is coming up with the theme of Flag Day. The Council will be caring the flag as last year.

On June 12 and 14 there will be two different Flag Day events. June 12 will be a musical event and ice cream social and the derby race is on the 14<sup>th</sup>. Entrants for the Derby are to be a nonmotorized vehicle that must be able to be steered and a brake.

## **23. CLOSED SESSION: 8:47 p.m. – 9:26 p.m.**

- a. Purchase and Sale of Electric Power**
- b. Purchase of Real Property**
- c. Personnel**

There was a question as to if a closed session was needed. Ald O'Brien asked to enter into Closed Session to discuss the Baptist Church property.

**Motion by Ald. O'Brien, seconded by Ald. Callahan to enter into executive session to discuss Purchase of Real Property. Motion carried 12 yea/0 nay/ 2 absent**

**9:26 p.m. Roll call shows that all those who entered Closed Session returned to Regular Session.**

**24. RESOLUTION 16-42-R: Authorizing Execution of an Employment Agreement Between the City of Batavia and John Dillon (Gary Holm 4/6/16 COW 4/12/16)**

**Motion by Ald. Brown, seconded by Ald. Atac, to approve Resolution 16-42-R: Authorizing Execution of an Employment Agreement Between the City of Batavia and John Dillon.  
Motion Carried 11 yea/ 1 nay ( Botterman)/ 2 absent**

**25 ADJOURNMENT 9:27 p.m.**

**Motion to adjourn by Ald. Brown, seconded by Ald. O'Brien, motion passed by voice vote.**

Minutes prepared and submitted by,  
Heidi Wetzel  
City Clerk