

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 Superintendent (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 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