

**CITY OF BATAVIA**  
**MINUTES OF THE BATAVIA CITY COUNCIL**  
**October 19, 2020, at 7:30 p.m. - City Council Chambers**  
**100 N. Island Ave., Batavia, Illinois**  
**(REMOTE MEETING)**

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**

The meeting was called to order by Mayor Schielke at 7:30 p.m. The meeting was held remotely via GoToWebinar due to the COVID-19 pandemic.

**2. INVOCATION followed by PLEDGE OF ALLEGIANCE**

Mayor Schielke offered a brief invocation and led the Pledge of Allegiance.

**3. ROLL CALL**

**14 of 14 aldermen were present at roll call.**

Aldermen (by ward) in attendance: Jennifer Baerren (1), Michael O'Brien (1), Alan Wolff (2), Martin Callahan (2), Elliot Meitzler (3), Dan Chanzit (3), Tony Malay (4), Joe Knopp (4), Abby Beck (5), Mark Uher (5), Nicholas Cerone (6), Michael Russotto (6), Drew McFadden (7) and Keenan Miller (7).

Also present were the following:

City Clerk	Ellen Posledni
City Administrator	Laura Newman
Assistant City Administrator	Anthony Isom
Community Development Director	Scott Buening
Fire Chief	Randy Deicke
Finance Director	Peggy Colby

**4. REMINDER: Please speak into the microphone**

Mayor Schielke reminded everyone to use their microphones.

**5. ITEMS REMOVED/ADDED/CHANGED**

None.

## 6. CONSENT AGENDA

Ald. Chanzit read the Consent Agenda as follows.

### Accept and Place on File:

- A. Committee of the Whole Minutes August 4, 2020, September 1, 2020, September 15, 2020 and September 22, 2020
- B. Building Reports September 2020

### Approvals:

- C. October 16, 2020 Payroll \$888,684.56
- D. Accounts Payable Check Register \$5,817,014.37
- E. City Council Minutes for October 5, 2020
- F. **APPROVAL:** 2021 City Calendar
- G. **ORDINANCE 20-25:** Amending the City of Batavia Zoning Code Regarding Bed and Breakfast Homes (JLS 10/7/20 COW 10/13/20 11/0) CD
- H. **ORDINANCE 20-26:** Amending Title 3 of the Municipal Code Regulating Bed and Breakfast Establishments (JLS 10/7/20 COW 10/13/20 11/0) CD
- I. **RESOLUTION 20-116-R:** A Resolution Authorizing the Mayor and City Administrator to execute an Intergovernmental Agreement authorizing Participation in the Kane County Coronavirus Relief Fund COVID-19 Reimbursement Program and authorizing the City Finance Director to sign and Submit Documentation in Support of Cares Act Funding (PC 10/09/20 COW 10/13/20 11/0) GS
- J. **RESOLUTION 20-117-R:** Authorizing Execution of Task Order # 22 with Engineering Enterprises for Professional Services/Design Engineering related to the Lead Service Line Replacement Program (JB 10/08/20 COW 10/13/20 10/0) PU
- K. **RESOLUTION 20-118-R:** Authorizing the Water and Sewer Superintendent or his designee(s) to execute Temporary Construction Easement Agreements with regards to the Lead Service Line Replacement Program (JB 10/08/20 COW 10/13/20 10/4) PU

**Motion by Ald. Chanzit, seconded by Ald. Knopp, to approve the Consent Agenda as presented. Motion carried 14 yea/ 0 nay/ 0 absent.**

## 7. MATTERS FROM THE PUBLIC: (For Items NOT on the Agenda)

None.

## 8. APPOINTMENT: Reappoint Phillip Bus and Doris Sherer to Historical Preservation Commission – Term Expires 10/21/23

Mayor Schielke requested the reappointment, noting both have served the HPC well.

**Motion by Ald. Wolff, seconded by Ald. Callahan, to approve the reappointments as presented. Motion carried 14 yea/ 0 nay/ 0 absent.**

### **9. PRESENTATION: Batavia Access Toy Drive – Roy & Brittany Bailey**

Mayor Schielke shared that the Baileys indicated before the meeting that they would like to postpone their presentation to the next City Council meeting. Operations will be altered due to the pandemic. A location has been identified to host the event on likely the second or third Sunday in December.

### **10. MAINSTREET**

Batavia Main Street Executive Director Beth Walker shared that a Creepy Crawl promotion is being held in October downtown, offering a socially distanced opportunity for downtown trick or treating. Boardwalk Shop owners met recently and plan to extend operations to December. One owner has signed a lease for a downtown location, and three others are hoping to sign leases this week.

Ald. Wolff said this was a story of success with the businesses doing exactly what was hoped. Ald. Callahan added that Jamie Saam, operations manager for the Boardwalk Shops, will be presenting additional information about the success of the program in the coming weeks. Mayor Schielke said the whole program has been a great success, and he thanked everyone who was involved in making it happen.

### **11. ORDINANCE 20-58: Annexing and Zoning 1117 North Washington Avenue to the City of Batavia (DMR 9/30/20 COW 10/13/20 11/0) CD**

The affected property owners came to last week's Committee of the Whole meeting to discuss the annexation and ask questions. The property in question is the former Riverview Banquets building. Director Buening noted that the annexation will actually be a net savings for the owners, with property tax increasing \$40 but the liquor license costing \$1,000 less every year. The owners are not required to connect to the city's sewer or electric unless major upgrades are done. Administrator Newman shared that the owners seem to be pleased with the decision. Ald. Callahan noted that the COW meeting seemed to have allayed any fears or concerns they had.

### **12. RESOLUTION 20-119-R: Authorizing execution of the Local Public Agency Agreement for Federal Participation with IDOT for Prairie Street and Wilson Street Intersection Improvements (TG 10/7/20 COW 10/13/20 11/0) CS**

Ald. Wolff explained that the agreement is required as part of the process for acquiring grant funds for the Prairie-Wilson intersection improvement project.

Mayor Schielke noted that this funding is coming from the Chicago Metropolitan Agency for Planning, which he leads, but he noted that the application for grant funding goes through a very long approval process completely independent of him.

He added that this intersection holds one of the last railroad crossings in Illinois with its volume of traffic (approximately 25,000 cars/day) that does not have a crossing gate. Gates will likely only be installed on two legs of the intersection, and the project will require some right-of-way agreements on adjacent properties. The Batavia Fire Department is pleased that a traffic light be installed because it will make it easier for them to get through the intersection, which they do roughly 8 – 12 times/day.

**13. ORDINANCE 20-43: Limiting the Number of Video Gaming Sites in the City of Batavia (LN 6/30/20 COW 8/18/20 3/5) GS**

Ald. Beck left the meeting at 7:52 p.m. prior to this discussion.

Ald. Chanzit noted that this item had been discussed extensively at COW meetings, and came out with a negative rating on August 18.

Ald. Uher said he doesn't think video gaming benefits Batavia other than the small amount of revenue it generates. He said even if this item passes, video gaming may never go away in Batavia because it doesn't affect the current sites. It only prevents new licenses for companies looking to come to town specifically to set up gaming businesses. He would like to work toward ending it in the city.

Ald. O'Brien disagreed, saying it is an important piece of the city's budget (\$86,000/year). He said the city needs every possible dime right now in the midst of the pandemic. He added that no harm has come from the existing sites, and no problems or complaints have been recorded. He said it is one way to help businesses survive the economic downturn.

Ald. Malay said he supports the item. It maintains the eight existing licenses, so it will not result in a revenue cut.

Ald. Wolff said he originally supported video gaming for business and city revenue. He has reconsidered the item over the years, and remains comfortable with how it is written. He said the language is limiting, which keeps Batavia from experiencing some of the problems that other cities have encountered. He said if it was going to be a problem here, we would have seen it by now. He does not support changing it.

Ald. Chanzit mentioned in the COW that he regrets his original vote supporting video gaming. He said it is addictive and preys on people who are vulnerable. However, restrictions are in place to keep places from abusing the existing ordinance, such as by setting up gaming lounges. For this reason, he is not in favor of the new ordinance.

**Motion by Ald. Malay, seconded by Ald. Uher, to approve the ordinance as presented.  
Motion denied 6 yea/ 7 nay/ 1 absent.**

Ald. Beck returned to the meeting at 8:03 p.m.

**14. ADMINISTRATOR'S REPORT**

The number of COVID-19 infections is rising drastically, and we are on the precipice of having new mitigation measures imposed by the state, which could limit business operations and gatherings. This step could devastate the community. Kane County Health Department is imploring all citizens to follow safety guidelines: wear a mask, maintain social distance and wash your hands. Companies also should follow these guidelines to protect employees. The city launched a program earlier this year through which businesses could pledge to follow COVID-19 safety guidelines. The city has a list of those businesses, and the program is still open to businesses that have not yet participated. The city is actively seeking to educate and encourage

compliance with the guidelines. The KCHD has a phone number and email address where complaints can be reported for noncompliance.

City staff is meeting with representatives of the school district, park district and library to discuss how they can encourage compliance locally.

Leaf collection is underway this week on the east side, and the west side will be next week. The east side will be November 2 and the west side November 9. One additional collection may be scheduled after those if conditions warrant and weather permits. Advanced Disposal will pick up bagged leaves in December without a sticker.

Additional items to report:

- Outdoor dining tables will likely remain in place until after Thanksgiving because city crews will be busy with other work.
- Discussions are underway with a developer about reviving the Winding Creek project that was proposed on McKee Street west of Randall Road.
- The city is preparing to issue a permit for a speculative warehouse building on Pierson.
- Federal funding has been secured to pay for a rebuilding of Main Street from Van Nortwick to Randall Road. The project likely will not begin until 2025.
- Based on feedback from property owners, the city will pursue catenary lighting with freestanding poles for North River Street.
- Underground utility work is expected to start this fall/winter for the Menards expansion. Construction of the new building is expected to occur next spring
- A draft budget will be ready for review Friday. The first budget review meeting is scheduled for October 27 at the COW. The budget will be available online by the end of the day Friday.
- A second session to discuss strategic planning is scheduled for October 26 at 7 pm. It will be held online due to early voting being held in City Council Chambers.
- Voting is Monday through Friday, 9:00 am – 3:30 pm this week, and Monday through Thursday, 9:00 am – 3:30 pm next week. Voters use the south building entrance and exit off the plaza. A deep clean will be performed after early voting ends.

Ald. Callahan pointed out that the tables rented from Funway included delivery and pickup fees and asked for clarification about staff returning tables. Administrator Newman clarified that she was referring to the tables on Water Street. She said some tables on River Street may still remain and need to be returned. Ald. Callahan asked about guidelines regarding outdoor heating, tents, etc. Administrator Newman said the city has published guidelines for businesses planning to offer outdoor dining in colder weather, similar to the guidelines provided in the City of Chicago. She reiterated that heaters used inside tents must be made specifically for that purpose. Businesses adding tenting should contact the Community Development Department to arrange an inspection for safety. The city is committed to helping businesses continue to serve patrons outside safely.

## **15. COMMITTEE REPORTS**

Ald. O'Brien said at tomorrow's COW will be discussion about an approval request from Suncast Corporation to install a 1,230 kw photovoltaic system.

Ald. Chanzit said tomorrow's COW includes a discussion of contracts including one with the Association for Individual Development and one with the city attorney.

## **16. OTHER BUSINESS**

Administrator Newman reported that the Water Department recently received an award for achieving the highest standards of compliance for perfect fluoridation. She extended her congratulations to the entire department for their excellent work. Mayor Schielke said it speaks well of the department and the investments made by the city.

## **17. MAYOR'S REPORT**

Mayor Schielke said he has never experienced anything like the pandemic that requires daily if not moment-to-moment attention. There has been a lot of discussion around how to proceed, whether to wear masks, whether to open schools, etc. He understands the frustration and angst people are feeling. He noted that the school district has always done an excellent job with the schools.

He was dismayed to learn today that the infection trend is going in the wrong direction. He said Batavia generally has low numbers compared to other nearby towns. He thanked those who donated money for the Mask Up Batavia signs. He added that the pandemic may not be over until 2021. Those who are looking for a charity to support are encouraged to consider the Batavia Interfaith Food Pantry and Clothes Closet. He is amazed at the number of people served by this organization and how well it's run.

Despite the pandemic, housing numbers continue to grow in Batavia this year, including the four new houses to be built by Habitat for Humanity. Just last week, he had discussion with another developer looking to build a development on McKee. And in the Industrial Park, the city has received a proposal to build a 200,000-square-foot warehouse. The prospective builder has a good reputation.

Over the last couple of weeks, he has had discussions with people looking to open or a move a restaurant to Batavia's downtown. He said great things are happening downtown.

A number of people are pleased with the leadership role the City Council has taken on working with the Batavia Park District on the dam removal and preservation of Depot Pond. The mayor thanked the Council members for their dedication to this project.

Early voting started today at City Hall, with a total of 252 voters, which is a high number historically. Mayor Schielke said we may be about to see the highest voter turnout in U.S. history. He said lines formed outside the building as people waited to come inside to vote. All were socially distanced, and it was good to see people using their voting rights.

## **18. ADJOURNMENT**

**Motion by Ald. Chanzit, seconded by Ald. O'Brien, to adjourn. Motion carried by voice vote. The meeting adjourned at 8:26 pm.**

*Minutes prepared and submitted by Ellen Posledni, City Clerk, October 26, 2020.*