

**CITY OF BATAVIA**  
**MINUTES OF THE BATAVIA CITY COUNCIL**  
**January 19, 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 7:30 p.m.

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

**3. ROLL CALL: 13 of 14 aldermen were present.**

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

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

City Administrator	William McGrath
City Attorney	Kevin Drendel
City Clerk	Heidi Wetzell
Finance Director	Peggy Colby
Human Resources Director	Wendy Bednarek.
Fire Chief	Randy Deicke
Police Chief	Gary Schira
Public Works Director	Gary Holm

**4. ITEMS REMOVED/ADDED/CHANGED**

Remove Item 9: SEARCH PROCESS: City Administrator (no memo)

It was explained that there was a misunderstanding and Bill Balling will come back to the next COW for a discussion on wages and salaries in executive session

**Motion by Ald. Atac, seconded by Ald. Stark, to amend the agenda as presented. Motion carried 13 yea/ 0 nay/ 1 absent.**

## 5. CONSENT AGENDA

### Accept and Place on File

A. Committee of the Whole Minutes for December 15, 2015

B. December 2015 Building Report

C. Plan Commission Minutes from November 18, 2015

### Approvals:

E. January 1, 2016 Payroll \$678,674.95 and January 15, 2016 Payroll \$838,764.51

F. Accounts Payable Check Register \$3,902,190.97

**G. RESOLUTION 16-05-R: 2016 Ford Truck Chassis for \$43,694.00 (Scott Haines 1/4/16 COW 1/12/16 11/0)CS**

Ald. Brown commented on the December 2015 Building Report and pointed out that every year the City keeps doing more and there are more construction dollars spent in town with 2123 permits issued compared to 1844 last year

The permits required 5638 inspections which divided by 250 working days equals 22 inspections a day. The Community Development Department has a full time staff of 8: a Building Commissioner, a Community Development Director, two Administrative Assistants, a Code Compliance Officer, a Building Inspector, a Planner, and a Planning & Zoning Officer. Brown pointed out that all the inspections are done by 1.5 people.

They number of modifications to single family homes is up from 747 in 2014 to 775 in 2015. The number of permits for additions to single family homes is up from 7 in 2014 to 10 in 2015. Single family home construction dollars are up from \$15,152,646 in 2014 to 17,652,271 in 2015.

In the Commercial Retail area in 2014 there were \$2,573,075 in construction dollars while in 2015 there were \$11,849,561.

Overall construction dollars in 2014 were \$42,282,997 and \$33,025,583 in 2015; almost a 10 million dollar increase

Batavia seems to be doing very well in building; the City is doing a lot with the small staff, and is business friendly.

Mayor Schielke commented that the older housing stock is over 100 years later the houses are in good shape. There is a trend of younger couples buying them and doing significant improvements to the homes. In the 70's the homes on Elm Street and E. Wilson Street were occupied by older people with many being single occupant residents and now they are occupied by couples with 3-5 kids. The school board would like to know where the rebuilding of the older stock is taking place to help with their planning.

Ald. Cerone noted that the total revenue from permit fees was down in 2015 and asked why. He was informed that the commercial category has higher fees than residential so the difference has to do with what type of permits were issued.

Ald. Callahan asked about the plumbing inspections which are contracted out and was informed they are included in the totals.

**Ald. Mueller joined the meeting at 7:40 thus making 14 of 14 aldermen present**

**Motion by Ald. Atac, seconded by Ald. Stark, to approve the Consent Agenda as presented.  
Motion Carried 14 yea/ 0 nay/ 0 absent**

**6. MATTERS FROM THE PUBLIC:** (For Items NOT on the Agenda)

Joe Essling, 1930 Bilter Aurora, announced the 47th annual Brotherhood Banquet will be held on Tuesday Feb 16<sup>th</sup> at 6:30 p.m. at Immanuel Lutheran Church. Tickets are \$15 and all are invited.

Dan Shanahan, 425 South Jackson St., is 4<sup>th</sup> generation Batavian who recalled the first live broadcast of the City Council occurred about 20 years ago from the second floor. In honor of Martin Luther King Jr. Day he read from King's I Have Dream Speech:

*I am not unmindful that some of you have come here out of great trials and tribulations. Some of you have come fresh from narrow jail cells. And some of you have come from areas where your quest -- quest for freedom left you battered by the storms of persecution and staggered by the winds of police brutality. You have been the veterans of creative suffering. Continue to work with the faith that unearned suffering is redemptive. Go back to Mississippi, go back to Alabama, go back to South Carolina, go back to Georgia, go back to Louisiana, go back to the slums and ghettos of our northern cities, knowing that somehow this situation can and will be changed. Let us not wallow in the valley of despair, I say to you today, my friends.*

*And so even though we face the difficulties of today and tomorrow, I still have a dream. It is a dream deeply rooted in the American dream.*

*I have a dream that one day this nation will rise up and live out the true meaning of its creed: "We hold these truths to be self-evident, that all men are created equal."*

*I have a dream that one day on the red hills of Georgia, the sons of former slaves and the sons of former slave owners will be able to sit down together at the table of brotherhood.*

*I have a dream that one day even the state of Mississippi, a state sweltering with the heat of injustice, sweltering with the heat of oppression, will be transformed into an oasis of freedom and justice.*

*I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.*

*I have a dream today!*

*I have a dream that one day, down in Alabama, with its vicious racists, with its governor having his lips dripping with the words of "interposition" and "nullification" -- one day right there in Alabama little black boys and black girls will be able to join hands with little white boys and white girls as sisters and brothers.*

*I have a dream today!*

*I have a dream that one day every valley shall be exalted, and every hill and mountain shall be made low, the rough places will be made plain, and the crooked places will be made straight; "and the glory of the Lord shall be revealed and all flesh shall see it together."2*

*This is our hope, and this is the faith that I go back to the South with.*

*With this faith, we will be able to hew out of the mountain of despair a stone of hope. With this faith, we will be able to transform the jangling discords of our nation into a beautiful symphony*

*of brotherhood. With this faith, we will be able to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will be free one day.*

*And this will be the day -- this will be the day when all of God's children will be able to sing with new meaning:*

*My country 'tis of thee, sweet land of liberty, of thee I sing.  
Land where my fathers died, land of the Pilgrim's pride,  
From every mountainside, let freedom ring!*

*And if America is to be a great nation, this must become true.  
And so let freedom ring from the prodigious hilltops of New Hampshire.  
Let freedom ring from the mighty mountains of New York.  
Let freedom ring from the heightening Alleghenies of Pennsylvania.  
Let freedom ring from the snow-capped Rockies of Colorado.  
Let freedom ring from the curvaceous slopes of California.*

*But not only that:*

*Let freedom ring from Stone Mountain of Georgia.  
Let freedom ring from Lookout Mountain of Tennessee.  
Let freedom ring from every hill and molehill of Mississippi.  
From every mountainside, let freedom ring.*

*And when this happens, and when we allow freedom ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual:*

*Free at last! Free at last!*

*Thank God Almighty, we are free at last*

## **7. MAINSTREET MINUTE**

Cathy McNally, Assistant Director of Batavia MainStreet, announced that many of the downtown businesses reported a good holiday season and that the indoor market will continue at Gaetano's.

Celebrate Success, the annual MainStreet awards event, will be held at Interiors for Business on February 4 at 7:00 p.m.

On January 24th Craig Foltos wants all to gather on the pedestrian peace bridge at 6:00 p.m. to sing songs of peace as a symbol of fighting back against violence.

Danielle Hollis, Director of Water Street Arts Studio announced much has been happening at Water Street including the development of a strategic plan. They have hired a full time director an education and outreach director, partnered with HC Storm School to do a mosaic at the entrance of the building and put together a funding proposal to carry out similar programs at other Batavia schools.

The gallery and offices have been renovated and the print lab has moved back home. Studio occupancy is up with only one space currently available, there is a board position available and there has been an increase in gallery shows from 4 to 12 shows a year.

**8. APPROVAL: Water Street Studios--2016 Class F Liquor Licenses and Waive Fees**  
(Chief Schira 1/15/16)

Ald. Atac explained this license is for galley openings on the second Friday of every month. The police department found no reason as to why this should not be issued and the fee waived.

Ald. Callahan asked if the gallery openings themselves are fundraisers for the studio or are they for the artist.

Danielle Hollis responded that yes it is a fundraiser for a non profit as all the openings go to support the organization as a whole.

Ald. Callahan asked if the city code could be written so fees were waived for nonprofits. Mayor Schielke would not recommend that and would rather have the council vote on a case by case basis.

Ald. Botterman's wife sits on the board so he will not vote on the approval.

**Motion by Ald. Atac, seconded by Ald. Brown, to approve Water Street Studios--2016 Class F Liquor Licenses and Waive Fees.**  
**Motion carried 13 yea/ 0 nay/ 0 absent/ 1 abstention (Botterman)**

9. REMOVED - SEARCH PROCESS: City Administrator (no memo)

**10. DISCUSSION ONLY: Fox River (WRM 1/14/16)**

City Admin McGrath explained the City applied for a grant last year from the Park District and it was denied as it did not include enough economic development. In subsequent discussions the district indicated that with modifications the grant may be approved. This presentation is to lead to a discussion between the park board and the council. There needs to be a discussion about the process.

There are different property ownerships that make this a little more complex. The banks and Duck Island should be stabilized and naturalized north of downtown. In the downtown, mostly Larson Becker and Challenger properties south to the pedestrian bridge, stabilization is important and there should also be some urbanization involved. Also the Army Corps of Engineers will most likely not allow the bike path along the edge of the river.

By City Hall the current is fairly slow and there is not much erosion. The dam, which is starting to fail, and the depot pond are going to be big discussions. The east side of the river once had a

retaining wall and there is rubble there with a slow current. This could be a natural area for a launch site. The west side by Clark Island has the most erosion. The bank was stabilized during the bridge and Kluber projects and there is severe erosion by the substation as the river flows faster here. When the bridge was done there was a clean limestone gravel path put in for equipment but it was not allowed to be taken out. The gravel is now moving down and creating its own Island with some plant life. This makes the currents run faster and increase erosion.

McGrath showed a slide showing the different entities that own portions of the riverbank and noted the Forest Preserve needs to be part of the discussion. Also the Army Corps of Engineers will be involved with anything we do with the river and the government seems to own a few of the parcels.

The mayor is recommending a meeting with the park board so there can be a joint vision on this. Staff is looking for feedback from the council.

Mayor Schielke offered some history of the river. When Francis Youssi served as City Attorney the city then asked the state if it could fill in the second channel of the river- which has been subsequently filled in but was then located where the McDonald's is currently. Youssi received a call from the state asking for a meeting in Chicago. The state let Youssi know the request was interesting because Batavia never got a permit in 1870 to build the second channel in the first place and there was no state record that the second channel existed. The state then suggested an overflow pipe which had to be moved during the building of the new Walgreen's. He further noted the depot pond had been privately owned by the VanNortwick family. It was then purchased by the City and sold to the Park District. Over the years there have been many things done to enhance the river but much still needs to be done. He believes everyone needs to get involved to make this happen and noted there will be little money from the state.

Ald. Brown noted the dam is going quickly and with the formation of the new island north of Clark Island the current is really changing and causing quick erosion. Government works slowly which is not a bad thing because it allows for much discussion but this needs to get going. There are many entities involved in this both financially and legally. One of the ideas is to form a committee much like the waste transfer station and streetscape projects had. There is \$55,000 in the budget that can be used for consultants and it starting the process will be clear message to the other entities that Batavia is willing to take this on. There are several immediate issues and this is also the time for other considerations like river clean up.

Brown thinks there are many improvements that can be done once the Council talks to the park district, forms a committee, hires a consultant and gets community and park board buy in on a master plan. There is a sense of urgency to get this started.

Ald. Chanzit thanked the Mayor for renewing this call. He noted there will not be much state money for the dam but the state does have record of granting money to take down dams. The city has to do something about the dam because it will come down. He has the names of several citizens in his ward that are concerned and would like to be a part of this.

Ald. Wolff thinks the dam will be gone in the next year at least to the point where it is draining the pond and there will have to be berm built to keep the Depot Pond. The majority of the money will have to be spent south of the river to halt erosion. He would like to see the river be left as natural as possible and is concerned that the state will want to put more yards of concrete back into the river. He supports the idea of community meetings as that worked well in the past

Ald. Botterman asked about the integrity of the wall to the northwest of the bridge. He was informed that has been rebuilt and there is sewer line there.

Botterman also asked when the dam goes what impact will that have on the current flow south near the water treatment plant. McGrath responded that there will be little difference south of the dam as the same amount of water will flow to the south and most of the change will be north.

Ald. Wolff reminded all that the depth of the water south of dam is controlled by the North Aurora dam. Ald. Botterman is trying to understand the priorities involved with entire project. McGrath replied that it is complicated as there are three issues; erosion which is an engineering issue, technical issues involving the engineering itself, and the political issue of the dam. He does not want the politicization of the dam to affect the rest of the master plan like last time where is ended as a citizen based referendum. He is not against a referendum and thinks there may need to be one but wants to make sure that the possibility of a referendum is factored into the plan.

Ald. Brown explained the last time the IDNR was involved there quite a bit of engineering study and there is a model of what will be affected when the dam is gone. It will affect the river to the north up to the Geneva Island and the City has quite a bit of information already.

Ald. O'Brien understands that the water level will drop north of the dam and asked what would happen to the south of the dam if the dam fails and the silt and debris runs south. McGrath explained that recent thinking is that letting the silt go is not as bad as was previously thought.

Ald. O'Brien expressed a further concern that if the dam is not addressed and there is an 18 inch rainstorm and it blows there could be large boulders going down river

Ald. Callahan asked about looking at the river as a regional resource. McGrath replied that it begins that way but it gets local very fast as the different cities each have a different interest and idea of what should happen as everyone has a different vision of what their stretch of the river should look like.

There was consensus that this is a priority project. Ald. Brown suggested that the River be added as an item discussion for each Committee of the Whole agenda and that could replace the current permanent item discussion on StreetScape.

## **11. ADMINISTRATOR'S REPORT – City Administrator Bill McGrath**

Building permits and permits equate to 20 inspections a day and this is in addition to time spent on plan review. McGrath noted that not only is the City short handed but the private sector is short handed as well. The plans being received have not gone through the hours of review as

they used to 10 years ago and it is now up to the City to catch what is incomplete. The economy has hurt everyone all around.

Jenner and Block are reviewing the City documents.

Recruitment of the city electric department manager is going well. There are 7 resumes the consultants are sending to the City.

Speedway at Kirk and Wilson wants to hire Batavians if at all possible and there will be a job fair held at City Hall. Speedway hopes to open February 13.

Staff is working on vehicle purchases which will be coming to the Council.

Ed Jancauskas will be sworn in as Deputy Fire Chief and there will be a process to find a new Battalion Chief.

Staff is working on the Comcast franchise agreement specifically the pole agreements which had not been reviewed for some time.

The Deerpath Rd Bridge project is going well. Staff will be working with the church and HOA on detour routes.

The City is getting many requests for permits for the trail for races.

Restaurant week will be March 21-25.

Ald. Botterman asked about the franchise agreement and the process involved as it has taken so much time. McGrath responded that right now the draft is on the City side with the administrator, consultant, Kevin Drendel, and the electric department and it is taking so long because there is not enough professional staff and many things that need to be done. It should be out of the City hands in a few weeks for consideration by the other parties. They are working on the pole attachment agreement that needs to be part of the franchise agreement as they need access to it. The last time it was reviewed was probably about 10 years ago. When asked if the pole agreements were used prior to now McGrath replied that the same pole agreement has been used for many years. This is the first time the City has used an outside consultant and in the very thorough review of the agreement and the agreements of other cities, Batavia has discovered it has been undercharging. This situation is unique to cities that have electric utilities and own their own poles and the revenue will be significant.

Mayor Schielke had the same concerns as Ald. Botterman and noted that the whole cable world is undergoing major change. Everything will be done soon by transmissions rather than cable. The city poles will have more hanging on them than previously and there needs to be discussion about who is responsible for what if there is an accident that takes down a pole, how many items can be hung on one pole and other practical concerns. There are no great disagreements or arguments the discussion is more about agreement of pole placement and who to call in an emergency. This discussion also reflects all the changes in the cable business.

Xfinity is going to have a ribbon cutting on February 5 at 9 a.m. at their facility on Randall Rd. The governmental affairs director for Comcast will be there if anyone wants to talk with him.

Ald. Wolff is frustrated that the City has been paying a consultant for three years and it is not done. BATV has had to cut staff as it has no funds to replace equipment. It needs to get done.

Ald. Brown is equally frustrated and understands that there is fewer staff. He noted that the Council this evening has thrown the river issues on an already busy staff. A few years ago the City used to have an administrator, an assistant administrator, two administrative assistants, and the Mayor's assistant in administration. The administration staff is now down to one administrative assistant, a city administrator and the Mayor. The city needs more staff in administration, the building and fire departments and the water department. He understands the cuts needed to be made in the past but is concerned about what will happen if professional staff is not replaced.

## **12. COMMITTEE REPORTS**

### Community Development Committee- Ald. Brown

The Community Development Committee meet in the Committee of the Whole on January 26. The Plan Commission will meet on January 20 and the Historic Preservation Commission will meet on January 25.

### Government Services Committee- Ald. Atac

The Government Services Committee will meet in the Committee of the Whole on January 26.

### City Services Committee – Ald. Wolff

The City Services Committee will meet in the Committee of the Whole on January 26 and February 2.

### Public Utilities – Ald. O'Brien

The Public Utilities Committee will meet in the Committee of the Whole on January 26.

## **13. OTHER BUSINESS**

Ald. Russotto announced BHS is hosting the Upstate Eight Cheer Competition tomorrow night with all 8 schools in attendance. Doors open at 5:30 p.m. and the event starts at 6:00 p.m.

Ald. Callahan informed all that Ald. Hohmann has posted pictures of the soap box derbys once held in downtown. There will be a discussion of the viability of doing this at the Fireworks Committee meeting tomorrow night.

Ald. Hohmann asked to have the City Attorney draft a referendum question to reduce the number of aldermen and bring it to the Committee of the Whole for discussion with the intent of placing it on the ballot for the next election. Ald. Callahan joined him in the request

Ald. Atac would like a discussion to go through the pros and cons. Ald. Hohmann replied that is what was he intended with his request. He just wants is drafted so everyone would know the protocol when it was discussed.

Mayor Schielke noted this will involve a redistricting of the wards which means that some of the aldermen will run against other sitting aldermen. Ald. Atac noted there was a trend to do away with wards and have everyone run at large. The Mayor suggested an outside political consultant might be able to shed more light on the whole subject and any change will require much community education

#### **14. MAYOR'S REPORT**

On Wednesday January 27 at 7 p.m. there will be a meeting at City Hall to plan a celebration and point of recognition for Flag Day, all who have an interest are invited to attend. There are many ideas including a flagpole, a bust of Dr. Cigrand, or a mural. There is no preconceived idea and the Mayor would like community input and consensus.

Mark Foster 208 Webster, resigned from the Historic Preservation Committee and will be working for the Kane County Chronicle as a reporter.

**Motion by Ald. Brown, seconded by Ald. Stark, to accept the resignation of Mark Foster from the Historic Preservation Commission.**

**Motion Carried 13 yea/ 1 nay (Wolff)/0 absent.**

#### **15. CLOSED SESSION: 9:21p.m.- 10:00 p.m.**

- a. Purchase and Sale of Electric Power**
- b. Collective Bargaining**

**Motion by Ald. Brown, seconded by Russotto, to enter into Closed Session to discuss Purchase and Sale of Electric Power and Collective Bargaining. Motion Carried 14 yea/0 nay / 0 absent**

**All those who entered Closed Session returned to Regular Session.**

#### **16. ADJOURNMENT 10:00 p.m.**

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

Minutes prepared and submitted by,  
Heidi Wetzell  
City Clerk