

MINUTES
April 26, 2016
Committee of the Whole
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 7:30pm.

1. Roll Call

Members Present: Chair Brown; Ald. Russotto, Atac, Stark, Chanzit, Wolff, Fischer, O'Brien, Callahan, Hohmann, Mueller, Botterman, Cerone (entered at 8:10pm), and McFadden

Members Absent:

Also Present: Mayor Schielke (entered at 7:38pm); Chief Schira, Batavia Police Department; Scott Buening, Director of Community Development; Wendy Bednarek, Director of Human Resources; Gary Holm, Director of Public Works; Chris Aiston, Economic Development Consultant; John Dillon, Water/Sewer Superintendent; and Jennifer Austin-Smith, Recording Secretary

2. Approve Minutes for April 5, 2016

Motion: To approve the minutes for April 5, 2016

Maker: Hohmann

Second: Fischer

Voice Vote: 13 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. Matters From The Public (For Items NOT on Agenda)

There were no matters from the public for items not on the agenda at this time.

5. Consent Agenda

(The Consent Agenda is made up of items recommended by city staff that requires recommendation to the full City Council by the COW. This agenda is placed as a separate item on the COW agenda. The items on the Consent Agenda are usually minor items, already budgeted, standard non-policy activities or outgrowths of earlier meetings and are voted on as a "package" in the interest of saving time on non-controversial issues. However, any council member may, by simple request, have an item removed and placed on the "regular" agenda.)

- a. **Ordinance 16-21: Declaring Surplus Property (Scott Haines 4/6/16) CS**
- b. **Resolution 16-40-R: Requesting Permit from IDOT for Road Closures for 2016 Farmer's Market (Gary Holm 4/6/16) CS**
- c. **Resolution 16-43-R: Requesting Permit from IDOT for Road Closures for 2016 Triathlon (Gary Holm 4/12/16) CS**

Motion: To recommend approval of the consent agenda as presented
Maker: Atac
Second: Russotto
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.

6. Resolution 16-44-R: Authorizing Execution of a Contract with Geneva Construction Company of Aurora, Illinois for the Wilson Street Sidewalk Construction Project in the not-to-exceed amount of \$43,050.00 (Tim Grimm 4/20/16) CS

Holm noted that Geneva Construction is the low bidder on the Wilson Street Resurfacing Project. Staff will try to coordinate with Geneva Construction to do both projects at the same time but staff will keep the accounting separate`.

Motion: To approve Resolution 16-44-R: Authorizing Execution of a Contract with Geneva Construction Company of Aurora, Illinois for the Wilson Street Sidewalk Construction Project in the not-to-exceed amount of \$43,050.00
Maker: Wolff
Second: Hohmann
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.

7. Ordinance 16-22: Amendments to Peddlers Ordinance (Scott Buening 4/8/16) CD

Buening reported that this is for anything that is sold on a door-to-door basis. Ice cream trucks also fall under this ordinance. The permitted hours would be nine in the morning to eight at night. Brown asked if there could be a sunset clause added to the ordinance. Chief Schira stated that the courts have permitted hours of operation but not allowed limiting days or by hours of sunlight. The consensus of the Committee was to change the ordinance to allow for seven days a week.

Motion: To approve Resolution 16-22-R: Amendments to Peddlers Ordinance as amended
Maker: Hohmann
Second: Mueller
Voice Vote: 12 Ayes, 1 Nays, 1 Absent
Motion carried.

O'Brien was the nay vote. Stark suggested that the food truck and peddlers licenses be discussed together for better clarification. O'Brien agreed. Buening stated that staff is still discussing the food ordinance internally. He continued that we are getting into the season of solicitation, which is why staff brought this forward to the Committee for consideration. Atac asked if this

ordinance would cover the food ordinance until the food ordinance comes into place. Buening stated that essentially it would.

8. Resolution 16-35-R: A Resolution Approving IGA for Animal Control Services with Kane County (Gary Schira 4/12/16) GS

Atac reported that this is a renewal of an ongoing contract the City entered into in 2008. Chief Schira stated that the cost for after hour pick-up has increased. He stated that this is an ongoing contract and he is in support of renewing it.

Motion: To approve Resolution 16-35-R: A Resolution Approving IGA for Animal Control Services with Kane County

Maker: Stark

Second: Callahan

Voice Vote: 13 Ayes, 0 Nays, 1 Absent

Motion carried.

CONSENT AGENDA

9. Resolution 16-45-R: Authorizing the Execution of a Contract with Ehlers, Inc. for Economic Development Consulting Services: Reviewing Developer's Proposal and Request for Financial Assistance, in the amount of \$12,500.00 (Chris Aiston 4/21/16) GS

Aiston stated that they went out for proposals on this and all four firms did submit proposals. This is for the redevelopment of the plaza center and for backfilling the Walgreen's space as well as some redevelopment to the building. Aiston discussed how Ehlers was the preferred choice by the staff's task force. The firm has a lot of experience in this area and the cost was the second lowest.

Jennifer Tammon, Principle Advisor of Ehlers, Inc., addressed the Committee. She gave the background of the company and explained how they are a full service municipal advisory firm. She gave the background of her work history as a consultant and her expertise on a municipal and developer perspective. She stated that she and Aiston were available to answer any questions.

Botterman asked how much of the information needed has been received. Aiston estimated that about fifty percent of the information was received. Aiston stated that Batavia Enterprises (BEI) consultant has done this before and knows the information that is needed. The consultant also knows the Tax Increment Financing (TIF) eligible costs. Staff needs to verify the TIF eligible costs and need to verify bidding information. We do have significant information and all information on the Ehler's list could be obtained in a short period of time.

*Cerone entered at 8:10pm

Tammon stated that they would not start their work until they have all the information. She shared that on the proposal there is a list of items requested for a project review. They will not start the process until they have all the information. Unless there is a significant change in the

proposal, you would not have to bring them back for a repetitive analysis. She explained that they need to work efficiently to stay within the budget.

Austin Dempsey, Batavia Enterprises, addressed the Committee. He stated that it is their goal to move forward as quickly as possible. They have a window of time in which they have to deliver a store to and they have an amazing opportunity to bring an incredible anchor to the City of Batavia. They will be working as quickly and as diligently as possible with staff to get whatever information is needed.

Mayor Schielke stated that to put a business like Blue Goose in the downtown is a key component to the success of the downtown. O'Brien concurred. Callahan stated that he supports this. Callahan stated the consultant is good investment money and he appreciates the in-depth analysis the consultant would provide. He continued that we want to spend money wisely. Tammon stated that their fiduciary duty is to the City and would always be to your interest and part of that is understanding all the sides of the project.

Motion: Resolution 16-45-R: Authorizing the Execution of a Contract with Ehlers, Inc. for Economic Development Consulting Services: Reviewing Developer's Proposal and Request for Financial Assistance, in the amount of \$12,500.00

Maker: McFadden

Second: Fischer

Voice Vote: 14 Ayes, 0 Nays, 0 Absent
Motion carried.

10. Project Status

Buening reported on the following:

- The Block Grant Program is funding a portion of the sidewalk in front of Batavia Apartments
- Siemens is giving regular updates to staff. They are drilling on the property to define the limits of the foundry sands and the depth. They have submitted their report to the IEPA and are awaiting a response. They also are monitoring the ground water with the pipes they installed. Buening will give another report in the next couple of weeks

Botterman asked about the former Marathon station on Wilson Street. Buening answered that they are working on the site and the plan is to remove all the site improvements to the property and demolish the building. They are working on clearing the site and staff is discussing the parking lot surface with the property owner.

*Chanzit exited the meeting at 8:27pm.

O'Brien asked about the underground gas tanks. Buening stated that we believe that there has been some remediated contamination but the tanks would have to be removed. The State Fire Marshall regulates that. Buening stated that this would be removed as part of the whole demolition process.

11. Other

There were no others at this time.

12. Closed Session

- a. Settling the Price of Land for Sale (SB)**
- b. Update: City Administrator's Position – Bill Balling**

Motion: To enter into closed session for the purpose of settling the price of land for sale and update on the City Administrator's position

Maker: O'Brien

Second: Callahan

Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.

Closed Session began at 8:39pm.

13. Adjournment

There being no other business to discuss, Brown asked for a motion to adjourn the meeting at 10:15pm; Made by O'Brien; Seconded by Hohmann. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith