

**MINUTES**  
**May 10, 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. Atac, Stark, Chanzit, Wolff, Fischer, Callahan, Hohmann, Mueller (entered at 8:20pm) Botterman, Cerone, and McFadden

**Members Absent:** Aldermen Russotto and O'Brien

**Also Present:** Mayor Schielke (entered at 7:34pm); Bill McGrath; Kevin Drendel, Legal Counsel (entered at 8:02pm); Scott Buening, Director of Community Development; Gary Holm, Director of Public Works; Chris Aiston, Economic Development Consultant; Drew Rackow, Planner; Joel Strassman, Planning and Zoning Officer; Jeff Albertson, Building Commissioner; Peggy Colby, Finance Director (entered at 7:35pm); and Jennifer Austin-Smith, Recording Secretary

**2. Approve Minutes for April 12, 2016**

**Motion:** To approve the minutes for April 12, 2016

**Maker:** McFadden

**Second:** Hohmann

**Voice Vote:** 11 Ayes, 0 Nays, 3 Absent  
Motion carried.

**3. Items to be Removed/Added/Changed**

Brown stated that the Closed Session discussion of personnel would be removed unless the Director of Human Resources is able to attend the meeting. There will be closed session for property acquisition.

**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 16-26: Declaring Certain Transformers, Switchgears and Capacitors to be Surplus and Authorizing the Sale/Disposal Thereof (Brian Bettin 4-25-16) CS**
- b. **January, February, and March 2016 Financial Reports GS**
- c. **Resolution 16-46-R: Approving ISO Risk Management Policy (Gary Holm 4/29/16) PU**
- d. **Ordinance 16-29: Annexing Sections of Main Street Right-of-Way (Scott Buening 4/28/16) CD**
- e. **Resolution 16-49-R: Authorizing Execution of a Contract with SKC Construction, Inc of West Dundee, Illinois for the 2016 Crack-filling Program in the amount of \$122,380.00 (Tim Grimm 5/2/16) CS**
- f. **Ordinance 16-30: An Ordinance Rescinding Ordinance 15-50 and Thereby Voiding a Tax Increment Financing Redevelopment Agreement Concerning the Property at 27 N. River Street, Batavia, Illinois**

**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. Ordinance 16-31: An Ordinance Authorizing Execution of a TIF Redevelopment Agreement with River Street Buildings, LLC and Relating to the Building Improvements at 27-29 N. River Street (Chris Aiston 5/5/16) GS**

The applicant distributed the PowerPoint presentation handouts to the Committee. The document was titled “River Street Buildings, 27-29 N River Street – Atrium Construction.” Aiston noted that in the consent agenda the Council rescinded the prior ordinance that awarded a grant to the building corporation for a \$25,000 matching grant. The applicant is now here to request a grant for \$25,000 along with requesting a loan in the amount of \$58,500. The loan would be a low interest loan to be paid back on a monthly basis over the next five years at a 2.75% interest rate. The project is growing, which now includes 27-29 North River Street. Aiston reviewed the PowerPoint presentation with the Committee.

Stark asked about the knee wall. John Hamel, owner of Pal Joeys, answered that the knee wall was created for safety and extra security while serving alcoholic beverages. Stark asked about the estimated completion date. Hamel stated that demolition starts as soon as they could move forward. He is thinking mid or late June at the latest. Cerone asked about the loan payback. Harrison noted that he had a loan from the City before for a sprinkler system and paid it back. Chanzit noted that the interest rate is below market right now. Aiston stated that we are below market and that is to incentivize the project. The applicant would save \$5,000 in interest over a five-year note.

**Motion:** To recommend to Council approval of Ordinance 16-31: An Ordinance

Authorizing Execution of a TIF Redevelopment Agreement with River Street Buildings, LLC and Relating to the Building Improvements at 27-29 N. River Street

**Maker:** Cerone  
**Second:** Fischer  
**Voice Vote:** 11 Ayes, 0 Nays, 3 Absent  
Motion carried.

Brown invited the applicant to attend the City Council meeting on Monday night.

**7. Ordinance 16-23: A Comprehensive Plan Land Use Map Amendment for 21 North Water Street, Batavia United Methodist Church, Applicant (Rackow 5/5/16) CD**

Stark reported ordinances 16-23, 16-24, and 16-25 should be considered together. The Batavia United Methodist Church is seeking changes that would amend the Comprehensive Plan Land Use Map designation for the 21 North Water Street property. The plan would be changed from Downtown Mixed Use (DMU) to Public Facilities and Institutional. The designation would be aligned with the rest of their buildings. The third action is for variances to address the existing parking, existing setbacks and perimeter. The changes would be used to utilize 21 North Water Street as a teen and youth ministries and bible study building.

Rackow explained the three ordinances to the Committee. He reported that the Plan Commission (PC) and Zoning Board of Appeals (ZBA) were supportive of the changes and recommended Design Review approval for minor modifications to the exterior to the 21 North Water Street building. Rackow continued that changing the district would align the property for that particular use. The ZBA recommended the condition recommending the installation of a sidewalk when the church makes any significant improvements or after five years. The PC and ZBA recommends approval and staff recommends approval as well.

**Motion:** To recommend to Council approval of Ordinance 16-23: A Comprehensive Plan Land Use Map Amendment for 21 North Water Street, Batavia united Methodist Church, Applicant  
**Maker:** Atac  
**Second:** Wolff  
**Voice Vote:** 11 Ayes, 0 Nays, 3 Absent  
Motion carried.  
CONSENT AGENDA

**8. Ordinance 16-24: Amending the Official Zoning Map – Batavia United Methodist Church (Rackow 5/5/16) GS**

**Motion:** To recommend to Council approval of Ordinance 16-24: Amending the Official Zoning Map – Batavia United Methodist Church  
**Maker:** Atac  
**Second:** Chanzit  
**Voice Vote:** 11 Ayes, 0 Nays, 3 Absent  
Motion carried.

CONSENT AGENDA

**9. Ordinance 16-25: Variances for Batavia United Methodist Church (Rackow 5/5/16)  
CD**

**Motion:** To recommend to Council approval of Ordinance 16-25: Variances for Batavia United Methodist Church

**Maker:** Atac

**Second:** Hohmann

**Voice Vote:** 11 Ayes, 0 Nays, 3 Absent  
Motion carried.

CONSENT AGENDA

**10. Ordinance 16-27: Authorizing Execution of Annexation Agreement 2S668 Raddant Road (Joel Strassman 5/5/16) CD**

Stark noted that ordinances 16-27, 16-28, and resolution 16-48-R are all to be considered together. Stark stated that a resident submitted a recommendation to annex property owned by TMS Holdings. The property would be zoned R0, single family. The property is now zoned as Farming with a single-family residence on site. Stark stated that the County will not allow for a replacement septic system to replace the current failed one. Stark stated that if the City denies this ordinance, the residence would be considered inhabitable because it would not have the necessary sanitary sewer or septic system. As part of the Annexation Agreement, the applicant is requesting to delay the required connection to the City's electric utility and the installation of a sidewalk for up to fifteen years and not require public works and fire capital fund payments. The applicant has allowed for utility and drainage easements rights along all property lines and will reimburse the City for its cost for sidewalk installation, if the City installs a sidewalk, before the end of the fifteen year period.

Brown asked what happens if the current owner sells the home. Strassman stated that the new owner would be obligated. The agreement with obligations would appear as part of the title commitment. Hohmann asked about the capital fund payments and if they were waived in the past. Brown stated that they have been waived in the past and the City currently provides police and fire protection to that property.

**Motion:** To recommend to Council approval of Ordinance 16-27: Authorizing Execution of Annexation Agreement 2S668 Raddant Road

**Maker:** Cerone

**Second:** Fischer

**Voice Vote:** 11 Ayes, 0 Nays, 3 Absent  
Motion carried.

CONSENT AGENDA

**11. Ordinance 16-28: Annexing and Zoning 2S668 Raddant Road (Joel Strassman 5/5/16)  
CD**

**Motion:** To recommend to Council approval of Ordinance 16-28: Annexing and Zoning 2S668 Raddant Road  
**Maker:** Cerone  
**Second:** McFadden  
**Voice Vote:** 11 Ayes, 0 Nays, 3 Absent  
Motion carried.  
CONSENT AGENDA

**12. Resolution 16-48-R: Accepting Grant of Utility and Drainage Easement 2S668 Raddant Road (Joel Strassman 5/5/16) CD**

**Motion:** To recommend to Council approval of Resolution 16-48-R: Accepting Grant of Utility and Drainage Easement 2S668 Raddant Road  
**Maker:** Cerone  
**Second:** Fischer  
**Voice Vote:** 11 Ayes, 0 Nays, 3 Absent  
Motion carried.  
CONSENT AGENDA

**13. Ordinance 16-32: Variance for 514 Main Street 2<sup>nd</sup> Story Addition (Drew Rackow 5/5/16) CD**

Stark reported that the ZBA approved the variance request for the addition of a second story to allow for a second story bathroom addition. The variance requests would provide relief from Table 2.104 to allow a second story bathroom addition to be constructed with a setback of 2.87 feet rather than the required five feet, allow the roof overhangs to project into a required setback to approximately 1.625 feet rather than the maximum encroachment of 3 feet. Lastly, they considered a variance for the residence's existing west setback to allow a setback of approximately seven feet rather than the required ten feet.

The proposed variances would not change the footprint of the existing residence. The applicant indicated that the variances would allow for the most appropriate location for a proposed bathroom. The location of the existing residence proximate to property lines limits opportunities for expansion. The consensus of the ZBA was for a positive recommendation for the requested setback variances.

**Motion:** To recommend to Council approval of Ordinance 16-32: Variance for 514 Main Street 2<sup>nd</sup> Story Addition  
**Maker:** Wolff  
**Second:** Chanzit  
**Voice Vote:** 11 Ayes, 0 Nays, 3 Absent  
Motion carried.

**14. Resolution 16-33-R: Authorizing Execution of the Contract for the 2016 Street Resurfacing Program with Geneva Construction Company in the amount of \$1,500,636.90 (Rahat Bari 5/2/16) CS**

Holm reported that this is for our annual roadway resurfacing program. There is a complete list of streets to be done this year included in the memo. The City received bids from four different contractors and Geneva Construction was the lowest bid. Staff is recommending approval and the value includes a 5% contingency over the bid. Brown noted that this is under budget. Callahan asked if this project would help with stormwater runoff. Holm stated that they would be correcting minor drainage issues, such as puddles forming at the curb. However, the way the stormwater drains would not be changed because they are not changing the roadway profiles.

**Motion:** To recommend to Council approval of Resolution 16-33-R: Authorizing Execution of the Contract for the 2016 Street Resurfacing Program with Geneva Construction Company in the amount of \$1,500,636.90

**Maker:** McFadden

**Second:** Hohmann

**Voice Vote:** 11 Ayes, 0 Nays, 3 Absent  
Motion carried.

**15. Resolution 16-47-R: Authorizing Execution of the Master Services Agreement (MSA) with Engineering Resource Associates (Rahat Bari 5/2/16) CS**

Wolff stated that this is for the riverbank stabilization project. The City has identified unstable areas adjacent to the Fox River that have affected the appearance of the river and are contributing towards the instability of the west banks located 300 feet north of Wilson Street (PEACE Bridge) to 1600 feet south of Wilson Street (Clark Island). The west bank of the river north of Wilson Street has experienced significant scour and bank erosion due to water level fluctuations, wave action, ice shear, and vegetation loss. Similar bank erosion is present on west side of river bank south of the bridge. In some areas, the exposed riverbank actually exhibits an overhang where the roots of large trees have been completely undermined by the river flow.

**Motion:** To recommend to Council approval of Resolution 16-47-R: Authorizing Execution of the Master Services Agreement (MSA) with Engineering Resource Associates

**Maker:** Stark

**Second:** McFadden

**Voice Vote:** 11 Ayes, 0 Nays, 3 Absent  
Motion carried.

**16. Resolution 16-50-R: Authorizing Execution of Task Order #1 for Fox River Stabilization with Engineering Resource Associates (ERA) for an amount not-to-exceed \$37,740 (Rahat Bari 5/2/16) CS**

Wolff stated that this resolution is for the contract for the riverbank stabilization project.

**Motion:** To recommend to Council approval of Resolution 16-50-R: Authorizing Execution of Task Order #1 for Fox River Stabilization with Engineering Resource Associates (ERA) for an amount not-to-exceed \$37,740

**Maker:** McFadden

**Second:** Hohmann

**Voice Vote:** 11 Ayes, 0 Nays, 3 Absent

Motion carried.

**17. Project Status – Streetscape TIF CD**

Callahan asked if there was a new owner of Gem Spot. McGrath stated that staff does not know but if there is they are not required to reapply for a conditional use.

Brown asked if there is any updates on Storehenge and McGrath answered that there is none at this time. Staff is currently working on Suncast negotiations.

**18. Other**

There were no others at this time.

**19. Closed Session**

- a. Property Acquisition**
- b. Personnel**

**Motion:** To enter into closed session for the purpose of property acquisition  
**Maker:** Stark  
**Second:** Cerone  
**Voice Vote:** 11 Ayes, 0 Nays, 3 Absent  
Motion carried.

The Commission entered into closed session at 8:14pm and exited at 9:39pm.

**20. Adjournment**

There being no other business to discuss, Brown asked for a motion to adjourn the meeting at 9:39pm; Made by Hohmann; Seconded by Callahan. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith