

CITY OF BATAVIA
MINUTES OF THE BATAVIA CITY COUNCIL
June 6, 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 7:32 p.m.

2. INVOCATION followed by PLEDGE OF ALLEGIANCE led by Ald. Atac

3. ROLL CALL: 12 of 14 aldermen were present.

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

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

| | |
|------------------------------|-----------------|
| City Administrator | William McGrath |
| City Attorney | Roman Seckel |
| City Clerk | Heidi Wetzell |
| Finance Director | Peggy Colby |
| Fire Chief | Randy Deicke |
| Human Resources Director | Wendy Bednarek |
| Information Systems Director | Howard Chason |
| Police Chief | Gary Schira |
| Public Works Director | Gary Holm |
| Building Commissioner | Jeff Albertson |

4. ITEMS REMOVED/ADDED/CHANGED

Add Item 6a Lions Club presentation

Motion by Ald. Atac, seconded by Ald. McFadden, to accept the agenda as revised. Motion carried 12 yea/ 0 nay/ 2 absent

5. CONSENT AGENDA

Accept and Place on File:

A. Committee of the Whole Minutes for April 26, 2016

B. 2016 Post Issuance Compliance Report (Peggy Colby 5/20/16 COW 5/31/16 11/0) GS

Approvals:

C. June 3, 2016 Payroll \$773,144.85

D. Accounts Payable Check Register \$4,740,307.99

E. City Council Minutes for May 2, 2016

F. ORDINANCE 16-35: Amendments to the City of Batavia Zoning Code, City of Batavia, applicant (Strassman 5/19/16 COW 5/24/16 11/0) CD

G. APPROVAL: Class B-5 Liquor License: Shell/108 N. Batavia Ave.
(Chief Schira 5/17/16 COW 5/24/16 11/0)

H. APPROVAL: Class B-5 Liquor License: Citgo/ 200 E. Fabyan Pkwy
(Chief Schira 5/17/16 COW 5/24/16 11/0)

I. RESOLUTION 16-52-R: Authorizing agreement with the Conservation Foundation Relating to Maintenance of Windmill Lakes Detention Basin (Andrea Podraza 5/25/16 COW 5/31/16 11/0) CS

Motion by Ald. Atac, seconded by Ald. McFadden, to approve the Consent Agenda as presented. Motion Carried 12 yea/ 0 nay/ 2 absent

6. MATTERS FROM THE PUBLIC: (For Items NOT on the Agenda) - none

6a. PRESENTATION: Batavia Lions Club

Chief Deicke announced the Lions Club is making a donation of \$7,400 to the Fire Department to purchase a thermal imaging camera. This is an important piece of equipment that can be used in a variety of ways. The Lions Club does a community needs assessment to determine what the needs are in the community and this process uncovered the need for a lifesaving device. Mayor Schielke thanked the club

7. CHAMBER OF COMMERCE

Holly Deitchman came to the meeting directly from the 42nd annual Chamber golf outing where there were 80 golfers out on the course. She thanked all the businesses who supported the event June 13 at 3 pm will be a legislative forum meeting at City Hall with speaker Chris Aiston This group will meet monthly on the second Monday of the month at 3:00 p.m.

July events include the Windmill City Fest July 7-10 with the chamber mixer on Thursday July 7.

July 30 will be the Chili Cook off which will include salsa this year.

Deitchman introduced Michael Lamplough of Fox Valley Aerial Imagery who does a variety of aerial photography of work including corporate work. He will be doing aerial pictures and videos of the Human Flag on June 12. People will be able to purchase the pictures and videos through the company website.

8. ORDINANCE 16-34: Revise Title 3 of the Batavia Municipal Code Approving the Regulation of Bodywork Establishments (WRM 6/3/16 COW 5/24/16 6/5) CD

Ald. Stark announced this ordinance used the input of massage therapists. This discussion led to the creation of the fines, licenses and fees in the ordinance.

Police Chief Schira reminded all the discussion of fees centered around licensed massage therapists who are sole providers. This led to exempting the sole proprietor licensed massage therapist from background check and fingerprinting fees as these have already had those done by the state during the licensing process.

The initial license fee and the annual license renewal fee for a bodywork establishment license shall be as follows:

1. \$100 for establishments for which bodywork is the primary service being provided;
2. \$50 for establishments for which bodywork is not the primary service being provided.
3. \$10 for a massage therapist operating as a sole proprietor.

Ald. Brown thanked the citizens of the community who are in this business and stepped forward to bring up points and expressed their concerned to help shape the ordinance. Chief Schira noted their assistance was invaluable.

Ald. Fischer asked about the establishments already in town That have window coverings as the ordinance does not allow window covering and was told they will have a certain amount of time in which they will have to comply

Loretta Bain, a resident of Batavia, thinks this is going to be a good thing for Batavia and appreciates the time that went into this ordinance. She feels this might be a model ordnance for other cities so it will be helpful in many ways.

Ald. Mueller entered the meeting at 7:51 Making 13 of 14 aldermen present

**Motion by Ald. Stark, seconded by Ald. Fischer, to approve Ordinance 16-34: Revise Title 3 of the Batavia Municipal Code Approving the Regulation of Bodywork Establishments
Motion carried 13 yea/ 0 nay / 1 absent**

9. RESOLUTION 16-51-R: Authorizing Execution of Task Order #6 with Rempe Sharpe for Area 2 & 3 Storm Separation for an amount not to exceed \$25,975.00 (Andrea Podraza 5/26/16 COW 5/31/16 11/0) CS

Ald. Wolff announced this is part of the process of fixing the drainage issues and sewage back up in the combined storm sewers.

Motion by Ald. Wolff, seconded by Ald. O'Brien, to approve Resolution 16-51-R: Authorizing Execution of Task Order #6 with Rempe Sharpe for Area 2 & 3 Storm Separation for an amount not to exceed \$25,975.00 Motion carried 13 yea/ 0 nay/ 1 absent.

10. ORDINANCE 16-20: Water Pollution Control Loan Program Authorizing Loan Agreement City of Batavia a Home Rule Entity (Peggy Colby 5/12/16 COW 5/31/16 11/0) GS

Ald. Atac explained this is for the first phase of the Waste Water Treatment plant and authorizes the issuance of up to \$30 million dollars in an IEPA loan. The bond ordinance will come later. The City Council has authorized three years of 6% rate increases to cover the costs of Phase I and there will need to be additional increases to cover the full cost.

Motion by Ald. Atac, seconded by Ald. O'Brien, to approve Ordinance 16-20: Water Pollution Control Loan Program Authorizing Loan Agreement City of Batavia a Home Rule Entity. Motion carried 13 yea/ 0 nay/ 1 absent.

11. APPROVAL: Class F Liquor License for Batavia Park District 2016 Windmill City Fest (Chief Schira 5/18/16)

Ald. Atac noted the investigation and background checks are complete and there is no reason to not issue the license. City Clerk Wetzel asked about waiving the fee and was told that the waiver had not been requested.

Motion by Ald. Atac, seconded by Ald. O'Brien, to approve a Class F Liquor License for Batavia Park District 2016 Windmill City Fest. Motion carried 13 yea/ 0 nay/ 1 absent.

12. APPROVAL: Appoint Staff Positions (JDS 5/25/16)

The Mayor read the list of staff positions he is appointing for the year effective May 1, 2016 through April 30, 2017. They are as follows:

City Administrator through August 2, 2016: Bill McGrath
Finance Director & Budget Officer: Peggy Colby
Police Chief: Gary Schira
Fire Chief: Randy Deicke
Human Resources Director: Wendy Bednarek
Public Works Director: Gary Holm
City Engineer: Rahat Bari
Information Systems Director: Howard Chason
Community Development Director: Scott Buening
Street Department Superintendent: Scott Haines
Water & Sewer Superintendent: John Dillon
WWTP Superintendent: Byron Ritchason
ESDA Coordinator: Chief Randy Deicke

ESDA Manager: Mark Davis
City Attorney: Kevin Drendel

Ald. Callahan asked about John Dillon's name on the list as he is retiring. Mayor Schielke prefers to leave him on the list for the year and accept his resignation when it happens.

Motion by Ald. Stark, seconded by Ald. Chanzit, to approve the Appointment of Staff Positions. Motion carried 13 yea/ 0 nay/ 1 absent.

13. ORDINANCE 16-33: Amending of the Wage and Salary Ordinance for Non-Collective Bargained Employees (Wendy Bednarek 6/6/16)

Ald. Atac informed all that there are two positions that are part time and being done under contract. Human Resources Director Bednarek is recommending they be taken from contract and put on the payroll. Their wages are appropriate and do not need any adjustment and they will receive the same wage increases as all employees going forward.

Bednarek added that the employees were placed under contract during the economic downturn and as they are regularly needed positions they should be put back on the payroll.

Motion by Ald. Atac, seconded by Ald. Brown, to approve Ordinance 16-33: Amending of the Wage and Salary Ordinance for Non-Collective Bargained Employees. Motion carried 13 yea/ 0 nay/ 1 absent.

14. ADMINISTRATOR'S REPORT – City Administrator Bill McGrath

No news on the senior living project on the far proposed on South drive. The land was annexed in last year and the group that wants to put in market based housing has proposed some changes to the plan. As soon as the final plans come in they will be shared with council.

Still meeting with Craig Foltos on his project for his vacant property on east Wilson.

Tomorrow night the COW will look at a lease for an incubator business at the Thomle building.

Working on the Blue Goose and waiting for some information so the analysis on the city support can be completed.

The City is in conversation with Jenner and Block that will be presented to the Council in closed session.

There is a business interested in the old Aldi Building on Main.

There was one other interview for the electric manager position.

The massage cases are in court tomorrow and the two businesses are vacant and out of business.

The new bicycle repair station has been installed and has already been used.

15. COMMITTEE REPORTS

Community Development Committee- Ald. Brown

The Community Development Committee meet in the Committee of the Whole on June 7 and June 13 and June 16 in closed session to discuss the City Administrator interviews. The Historic Preservation Committee will meet June 13.

Government Services Committee- Atac

The Government Services Committee will meet in the Committee of the Whole June 7.

City Services Committee – Ald. Wolff

The City Services Committee will meet in the Committee of the Whole on June 7.

Public Utilities – Ald. O'Brien

The Public Utilities Committee will meet in the Committee of the Whole on June 7.

16. OTHER BUSINESS

Ald. Stark asked about the property on Lathem Street and the Stokely family. McGrath responded that the city is literally combing through the attic for information going back to the 1880's and has a meeting scheduled with the family.

Ald. Stark announced the Flag Day festivities and reminded all that the Fireworks Committee needs volunteers to man the parking lots and collect the fees.

Ald. Hohmann asked another alderman to join him in asking staff to look into anything that may need to be done by the city regarding AirBNB providers. Aids. McFadden and Fischer joined him

Ald. Wolff asked if there would be a formal statement from the City regarding a dog that was shot by the police. Chief Schira stated the Police Department was not going to put out a statement as the incident is still under investigation and it looks as though there will be complaint filed by the dog owner. He is hesitant to put out a statement as it is still under investigation but will to clarify what happened.

Schira explained there was a dog at large on Sunday morning and when the officer approached the dog growled and charged the officer. While backing up the officer fell backward and the dog was at his feet heading toward the officers head. The officer shot the dog twice in the shoulder, both bullets passed through the dog and the dog and it will survive. The dog then took off and attacked another dog on the way home. According to neighbors the dog is habitually loose and the police are conducting an investigation to determine if there were prior events.

17. MAYOR'S REPORT

Scott Haines talked about a massive flower planting on Houston Street. There will be 1500 to 1800 plants going in June 7th starting at 7:30 a.m. and anyone who wants to come help is invited. It is suggested that people bring small spades, gloves and possible kneepads. A pizza lunch will be provided.

McGrath noted that there is nothing to report on the Acquisition of Real Property and Personnel. The Closed Session was on the agenda if the council wished to ask any questions. As there is nothing to discuss the Council may wish to remove the session.

Mayor Schielke announced the Flag Day celebrations occurring on June 12 and 14. In 1916 when the country was on the verge of entering WWI President Wilson used the idea of Flag Day as proposed by Dr. Cigrand, a Batavia resident, to promote patriotism. He noted that Dr. Cigrand's daughter went to school with Marion Moon, the daughter of the Methodist minister who resigned his office to join the army. Moon's son is astronaut Buzz Aldrin who planted the first American flag on the moon. He noted this is an American story writ large and at the same time a uniquely Batavia story.

The soap box race will be on Sunday June 12 with the car show at 3:00 p.m. and the race at 3:30 p.m. with an Ice Cream Social after. Then at 6 p.m. on the Houston Street hill will be the human flag. The Mayor believes this will become a meaningful event and create a historic icon for the residents of the city.

Ald. Brown is working on a monument to Flag Day in Batavia.

The community development department has issued many permits for restoration work on homes. There are millions of dollars being spent on renovating homes that are being bought by young families. CMAP has told the Mayor that there is an interest here that is not being replicated in other communities. This is very healthy trend and it speaks wonders for the community. He encouraged the Council to take credit for all the positive items going on as it is their work that made it happen.

Tuesday June 14 Flagsource is going to host tours of their facility at 10 a.m., 12 p.m., 2 p.m. and 5 p.m. Those interested must wear closed toes shoes. Flags will be available at city hall for purchase that day with a certificate that notes it was made on the 100th anniversary of Flag Day. There will be a luminaria display with the international guard band. There will also be a portrayal of Dr. Cigrand and essays on the theme *What the Flag Means to You* will be read. Blue Goose will provide cookies. The City will need help setting up the luminarias.

Mayor Schielke read the resignation of City Clerk Heidi Wetzel:

I am taking a job in Michigan at the end of June. I will be able to do both City Council meetings in June and will come back a few times to sign contracts and the like. I think my resignation will be effective as of June 30.

Thank you so much for you and the City Council being so kind and generous and a great example for me. It has been an honor to serve with you and the terrific people who work for the City.

*Heidi Wetzel
City Clerk*

He announced the position will be filled on an interim basis.

Motion to by Ald. O'Brien, seconded by Ald. Brown, to accept the letter of resignation with great regret. Motion carried by voice vote.

18. CLOSED SESSION: REMOVED

- a. Acquisition of Real Property
- b. Personnel

19. ADJOURNMENT 8:55 p.m.

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

Minutes prepared and submitted by,
Heidi Wetzel
City Clerk