

CITY OF BATAVIA
MINUTES OF THE BATAVIA CITY COUNCIL
August 15, 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. CC MEETING CALLED TO ORDER** by Mayor 7:35 p.m.
- 2. INVOCATION FOLLOWED BY PLEDGE OF ALLEGIANCE** led by Ald. Wolff
- 3. ROLL CALL: 13 of 14 aldermen were present.**

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

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

City Administrator	Laura Newman
City Attorney	Kevin Drendel
Deputy City Clerk	Christine Simkins
Community Development Director	Scott Buening
Finance Director	Peggy Colby
Human Resource Director	Wendy Bednarek
Police Chief	Gary Schira
Public Works Director	Gary Holm
Economic Development	Chris Aiston
Engineering Department	Andrea Podraza

4. ITEMS REMOVED/ADDED/CHANGED

#13

July 18, 2016 Minutes

Motion by Ald. Atac, seconded by Ald. McFadden, to Amend the Consent Agenda as presented. Motion Carried 13 yea/ 0 nay/ 1 absent

5. CONSENT AGENDA

Accept and Place on File

- A. Historic Preservation Minutes for July 11, and July 25, 2016
- B. June Financials
- C. July 2016 Building Report
- D. Committee of the Whole Minutes for July 12, 19, and 26, 2016
- E. Plan Commission/Zoning Board of Appeals Minutes for June 15, 2016

APPROVALS:

- F. August 12, 2016 Payroll \$965,156.13
- G. Accounts Payable Check Register \$773,171.08
- H. City Council Minutes for August 1, 2016
- I. RESOLUTION 16-58-R: Authorization to Purchase Network Switches from Presidio Networked Solutions, Inc for an amount not to exceed \$34,000 (Howard Chason 7/27/16 COW 8/2/16 12/0)
- J. ORDINANCE 16-47: Surplus Property and Authorizing Sale Thereof (Howard Chason 7/27/16 COW 8/2/16 12/0)
- K. RESOLUTION 16-70-R: Amending Intergovernmental Agreement with North Aurora-Hart Road (SCB 7/29/16 COW 8/9/16 12/0) CD
- L. ORDINANCE 16-49: Annexation of Unoccupied Territory along the Hart Road Boundary Line (SCB 7/29/16 COW 8/9/16 12/0) CD
- M. ORDINANCE 16-50: Excluding of Unoccupied Territory along the Hart Road Boundary Line (SCB 7-29-16 COW 8/9/16 12/0) CD

Motion by Ald. Atac, seconded by Ald. McFadden, to approve the Consent Agenda as presented. Motion Carried 13 yea/ 0 nay/ 1 absent

6. **RECOGNITION:** William R. McGrath - 18 Years of Service as City Administrator

The Mayor said he wanted to share some thoughts about Bill. The Mayor stated because of Bill, the citizens of Batavia enjoy one of the lowest municipal property tax rates in the region. Bill deserves a lot of the credit for his efforts for diligently working to do this. Also he helped establish the Waste Transfer Station. The location was an abandoned station; we cleaned it up and it is working beautifully now. This has helped to create quite a bit of revenue for the City. Bill also oversaw the building up of over a million square footage of commercial area on Randall Rd.. Our sales tax has increases to create great revenue for our city as well. Those factors have then in turn have helped lower property taxes. Bill has left his mark on Batavia and we are most

appreciative to him. We have a plaque to give him today showing his 18 years with the City: August 3, 1998- August 1, 2016 served as Administrator for the City of Batavia.

Bill then stated he wanted to thank everyone on the Council for their trust, support and respect for all these years. Bill said our Council has been an example of democracy at its finest. There have been good and bad points, but can strongly say to the citizens he is very proud of everyone on Council. All have been there and shown to be honest in trying to do the right thing in the many complex matters to deal with. Bill stated he has colleagues from other cities who in their situation has been a nightmare for and appreciates it has not been that way for him. Bill stated he thinks of staff meetings and can picture the conference room, where he spent half his life, and the memories of a lot of laughter and jokes- and a stimulating atmosphere to have worked in. Bill wanted to also thank his wife Donetta and their many friends. Bill stated he has loved working for the City and wanted to say thank you so much for the opportunity.

Ald. O'Brien stated he would like to say thank you to Bill as a councilman for all the support he has given through difficult times and the many complex issues they have worked on in our city. And also for his devotion to the Council and as a resident, thank you for his exemplary integrity and high character, thank you Bill.

7. **RECOGNITION:** Loyalty Day Parade Award Winners

The mayor stated that Batavia as a community is blessed to have in our midst a VFW Post that has preformed magical things. While at Rotolo Middle School, a parent of a new student stated to the mayor that they admire the fact that the middle school students all know about the Batavia War Memorial and the about 46 names of all who died from our town in wars. The Mayor was asked how was this case? The Mayor stated he believes the Batavia VFW is a big part of that. The VFW has many reminders and activities on a yearly basis for all those who have sacrificed, died or been wounded. He said we are most fortunate, not every town is successful in retaining a VFW post. It serves to get a positive message out there to those who come to Batavia or even those born here to have an understanding of service to our country and of patriotism. This is a very important lesson to teach. The Mayor said we will now take a moment to show tribute to the VFW for the many services they do. And the Mayor said thank you from the community and would like to officially recognize Josh Pheiffer, the new Commander of the Batavia VFW post, a wounded veteran in the Afghanistan War. We will have a presentation on award and winners from the Loyalty Day Parade.

Josh Pheiffer said thank you and this is truly an honor. The Batavia VFW cannot be what we are without the support of the Batavia community. The first award to be given is the Mayors Award.

The Mayor then spoke and presented The Mayor's Choice Award. This award went to John Heath & the Batavia Community Band.

The Mayor stated they have 30-40 members and are growing strong. They have played patriotic songs for many event including the parade. Many people have given compliments on their music that added to the march. The award was then presented to Mr. Heath.

John Heath then spoke to say he appreciates this award and would love to accept it for the members of the band. Their band loves to play as much as they can and Batavia has offered many opportunities to do so. John said on a personal note thank you to the VFW for all they do.

The rest of the awards were then presented. There were 5 categories that were judged. These areas were then scored and tallied at the end of the parade.

Carl Dinwiddie helped present awards.

Youth Category

First Place: Spotlight Youth Theater

2nd Place: Batavia Park District Spirit Cheer Team

3rd Place: Cub Scout Pack #153

Bands

Batavia High School Marching Band

Military

1. VFW Post 11018 Color Guard

2. Mooseheart NJROTC

3. US Marine Corps

Commercial

1 The Attic Christian Art Center

1 (tie) HIX Bros Marching Guitar Band

2 Batavia Fire Dept.

Adult

1. Fox Valley Aero Club - Members of Aero Club were present to show their Aero models and to thank all for the award.

2. Rover Rescue

3. Batavia Lions Club

Special Recognition Award

Batavia VFW # 1197 presented to the City of Batavia this award for support of the Loyalty Day Parade and for recognition of the 100 year anniversary of Flag Day Celebration.

The Mayor stated on behalf of the community we would like to proudly display in the Council Chambers, and thank you to the VFW for doing this. The award signifies the relationship between VFW and the City and would like all the community to share in the reward. We have a lot to be thankful for here in Batavia.

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

Two Batavia residents spoke:

Yvonne Dinwiddie addressed the council: (Yvonne read the following statement, see next page)
To the Batavia City Council from Yvonne Dinwiddie 8/15/2016

Last week at the COW meeting, Mayor Schielke told the council and the audience that we needed to take a LEAP OF FAITH regarding Shodeen's One Washington Street TIF project. As I have stated before, I am not against developing the old church site. I am against using today's and future taxpayer's dollars to build it. There are numerous reasons for this:

1. If a developer had confidence in his ability to build a good, viable, moneymaking project, he would not need a TIF project. Why don't the developers take a LEAP OF FAITH, especially since they control most of what goes into the project and build it with their own funds? Could it be that they know that most TIF projects of this nature aren't really profitable to the towns? And why don't the banks take a LEAP OF FAITH to finance these projects if they are so good?
2. Batavia taxpayers are already laboring under huge debts due to the City putting all their eggs in one Prairie State power basket and failing to research the contract documents to protect the citizens. That debt is \$250 million plus and for a number of years that debt didn't even show up on the city's balance sheet. Could this project be another type of Prairie State Disaster?
3. Shodeen has a history in the development arena that, in my opinion, isn't entirely favorable. Furthermore, he has huge riverfront projects in Geneva, Aurora and now the Washington Project in Batavia. Are we sure we aren't allowing Shodeen to create a river town monopoly which allows him to apply for federal funds and state funds to improve the river fronts and then have control over them?
4. Businesses get special real estate tax deductions until built out. I believe that Shodeen has also asked to get a land/cash waiver from the school district and the park district which again takes money from the taxpayers. How long did it take the Quarry Stone development to be fully occupied? How long did it take for that project to register as new construction so that the taxing bodies get the full benefit of all the tax dollars? I believe we, the taxpayers, haven't yet gotten the full benefit of that project.

Developers that rely on TIF Districts to finance their projects are what I term, in my opinion, the new slum landlords. TIF Districts are corporate/developer welfare and taxpayer money pits.

If it sounds too good to be true, it probably is. I remember trying to explain to the city council about what a bad idea it would be to invest in a coal company and I also remember the city administrator telling the council that with all the new technology and abilities, that it would not be a bad deal. I further explained that I came from coal-mining country and my father and most of my school classmates were coalminer's children whose fathers were put out of work due to the government's over regulating and the high cost of compliance. Today, the coal miners are still struggling in Pennsylvania, Virginia, West Virginia and elsewhere. The owners of Prairie State used their high-priced attorneys to make an iron-clad extremely costly contract to the NIMPA owners -- us. I have absolutely no doubt that Shodeen will ensure that his contract is as favorable to him as Prairie State's was to them. He, of course, can spend his money on high priced attorneys while the taxpayers just get the bills.

My son asked, "Does anybody find the irony in telling the people to TAKE A LEAP OF FAITH to allow the destruction of a Christian church in favor of a TIF Project?"

Sylvia Keppel, 1420 Becker Ave. spoke. Sylvia stated she is glad council has put off the sale for now since there is nothing concrete in place. We need to take a pause and a deep breath. Slow down as this is being rushed through. Sylvia stated she feels this has all been worked on behind the scenes for years, but this is the first we, the public, are just hearing of this. Sylvia asked the Council to please talk to the public and find out what they want. It is not always about money. Possibly have a meeting with community to hear their concerns. Sylvia voiced a few of the concerns she is aware of such as traffic problems and the \$14 million in bonds that will ultimately fall on tax payers to pay. Sylvia stated there are other things of value to community besides profit returns. Sylvia stated if this goes through, she and other citizens will be willing to get citizens signatures going for a referendum to stop it.

9. MAINSTREET MINUTE

Kathy from Main St. spoke. Batavia events have had 85 volunteers who have given over 192 hours. Main St. depends on donations of time gifted of community. Kathy stated there are some exciting new businesses downtown.

Rock Star Hair Bar located at: 5 S Washington Ave.

Tea Tree at: 29 N. River St.

Prairie Wellness Counseling Center has moved and expanded: 12 E. Wilson St.

Furniture Dollies moved to a new space: 130 N. Washington Ave.

The Taste of Batavia will be taking place Sept 4th from 4-9pm downtown.

Dick Diamond and the Dusters will be playing.

Food and drinks will be available from many Batavia establishments: Andre's, Gammon Couch House, Wilson St., Windmill Ginger Root, El Taco Grande, Pal Joeys, and the Range.

River City Church will have a free kid's area.

Kathy stated Main St. is looking for volunteers for this event.

Sept. 25th is the Batavia House Walk. There will be tours of four Batavia homes as well as the historic Newton House. Cost is \$20 a ticket. This year the home of our new City Administrator, Laura Newman, is featured on the walk.

Kathy stated please save the dates for the fall events just around the corner:

Oct 7 & 8 is Oktoberfest

Oct 22 is Batfest. Kathy stated we are lucky to have such a talented community to help with these events.

Kathy said thank you for your support. Please contact Main St. to volunteer: 630-761-3528

The Mayor asked where Oktoberfest located is.

Kathy responded it will be on River St.

10. APPOINTMENT: Appoint City Administrator Laura Newman to the Fire Pension Board (JDS 8/12/16)

The Mayor stated this is a position generally held by the City Administrator.

Motion by Ald. Brown, seconded by Ald. Wolff, to appoint the Laura Newman to the Fire Pension Board. Motion Carried 13 yea/ 0 nay/ 1 absent

- 11 PRESENTATION: Recognize Tom Maggio and Sherry Lauterbach for Streambank Improvement (Andrea Podraza 8/10/16)

Laura Newman spoke an introduced Andrea Podraza, Senior City Engineer. Laura stated Andrea has a presentation for the recognition of Tom Maggio & Sherry Lauterbach who have made significant improvements on their property. These improvements are not only for the benefit their property, but for the surrounding community as well.

Andrea stated she wanted to recognize Tom and Sherry, who live at 701 Marshall Ct. Their property backs to Mahoney Creek. Because the creek stream has deteriorated much of their land they checked with the Army Corp who is responsible for the Creek and they cannot get any land back as it disappears. After working with the City and Army Corp they learned the only way to maintain it is to stabilize it. Tom and Sherry decided to do just that with their own funds. Work started last year. Andrea presented slides to show the work progress and final result. First she showed the problem that every time stream flow goes through with a rain the water then receded quickly. This in turn washes away any vegetation and some land and also causes blockage downstream. The City worked with Tom & Sherry along with Kane, Dupage Counties and the Army Corp to design the project. They budgeted and met with the City then submitted to get all permits. The goal was to help stable the walls with stones and to help water go around the 90 curve. They installed native plants approved by Army Corp. as well. The results from the newly well vegetated area are a smooth flowing creek. Andrea stated she wanted to take time out to mention this as Batavia has many creeks in town and most fall on private property. It is not everyday someone does something to benefit themselves, but also the community. Tom and Sherry went above and beyond spending over \$50,000 of their own money to do this project.

Laura then asked Tom and Sherry to come up to receive a Certificate.

The Mayor then presented on behalf of Council and himself a Certificate of Appreciation, for the enhancement of Mahoney Creek.

Tom and Sherry thanked the Mayor and the city for helping them with all of their efforts.

12. PRESENTATION: Batavia ACCESS Community Dinner to Present Check to Batavia Food Pantry (Martin Callahan)

The Mayor stated Ald. Callahan would be presenting to the Food Pantry.

Ald. Callahan thanked the Mayor. Ald. Callahan stated the idea started with a picture sent out to the community. This picture was of a street closed and neighbors hanging out in middle of street. Ald. Callahan said he then reached out to several people he knew were “doers”. They joined him in closing off the street and setting up tables. Ald. Callahan stated luckily with the people that did this with him, it seemed an easy and simple task. Ald. Callahan stated he wanted to thank all the people who helped: Ellen Missetney, Bill an Jess McGrail, Susan Veranomus, Jamie Saam, Suzy Satarsky, and Laurie Botterman. Also thank you to the local restaurants that took part as well: WindyAcres , Mighty Greens, Rustic Road Farms, Passion Fruit Farms, Crumb and Crust, Rivers Edge, Chick Fil-A and Pal Joey’s. Ald. Callahan said thank you to the City staff and to the Park Dist. for donating tables for the dinner. Ald. Callahan stated he thought Jamie Saam summed up this event the best. She said the goal was to have community dinner and at the end of it we could help feed our neighbors. Ald. Callahan stated this was not a fundraiser but as result of the dinner they are able to present the remaining balance earned of \$1515.13 to the Batavia Food Pantry.

Helen with Food Pantry spoke stating I am so thankful for this check which is incredible. This check of \$1500 buys \$12,000 of food for the Northern IL Food Bank. It also covers 10% of cost in incurred in a month. Thank you for this wonderful event you have had and giving back to your community. On behalf of the 600 families we serve, thank you very much.

The Mayor spoke that it goes without saying there is another proud star for Batavia and the many kind deeds members of the community do. The Mayor said he thinks we have started a new tradition.

13. ORDINANCE 16-48 - Removed from Agenda

14. ORDINANCE 16-54: Authorizing the Acceptance of the Contract and By-laws of the Intergovernmental Personnel Benefit Cooperative and Authorizing Membership in the IPBC by the City of Batavia (Wendy Bednarek 8/15/16)

Wendy presented health insurance change to a municipal cooperative. Since costs have been escalating significantly this will help not only control costs but still providing high quality insurance to employees. It will even out large claim years by risk sharing with other municipalities.

Motion by Ald. Cerone, seconded by Ald. O’Brien, to accept the contract and by-laws of the Intergovernmental Personnel Benefit Cooperative and authorizing Membership in the IPBC by the City of Batavia. Motion Carried 13 yea/ 0 nay/ 1 absent

15. APPROVAL: Class G Liquor Licenses for the Batavia Block Party to include the following: Pal Joeys, El Taco Grande, The Range Grill & Tap, Gammon Coach House and Wilson Street Tavern (Chf. Schira 8/10/16) GS

Chief Schira stated this is for the Batavia Block Party; all establishments involved need a Class G Liquor License to participate.

Motion by Ald. Hohmann, seconded by Ald. Callahan, to approve Class G Liquor Licenses for the Batavia Block Party. Motion Carried 13 yea/ 0 nay/ 1 absent

16. APPROVAL: Class G Liquor License–Pal Joeys/Half Marathon (Dep. Chf. Eul 8/11/16)
GS

Chief Schira stated this for Sunday Aug 28th a one day event.

Motion by Ald. Cerone, seconded by Ald. Botterman, to approve a Class G Liquor License-Pal Joeys/Half Marathon. Motion Carried 13 yea/ 0 nay/ 1 absent

17. APPROVAL: Class F Liquor License for Water Street Studios, House Walk After Party on 09/25/16 (Chf. Schira 8/10/16) GS

Chief Schira stated this is for Water Street Studios for a Class F Liquor License for their event and to waive the fee.

Motion by Ald. Mueller, seconded by Ald. McFadden, Class F Liquor License for Water Street Studios, House Walk After Party. Motion Carried 13 yea/ 0 nay/ 1 absent

18. ADMINISTRATOR'S REPORT – City Administrator Laura Newman

Laura stated she wanted to all aware of the next brush pick up on Sept 12 East-side Sept 9 West-side. Have the brush to the curb by 7 am the Monday of that week. Laura stated last week Wendy, Howard and herself went to the City of Geneva to sit down with them. The goal was to talk about the job description of the Communications Coordinator in City of Geneva. Laura stated we are contemplating this position to add to our staff. We will also sit down with the rest of the Batavia Department heads to have a discussion on this topic.

Laura said she also wanted to mention one of our Police Officers; Matt White police received a letter of accommodation from Chief Schira. Matt helped in bringing in an offender in burglary, the suspect also admitted to other crimes. After speaking with the suspect as to reason for the crimes he admitted he was homeless and hungry. Matt received the award for showing compassion in leading this person to social services to assist with those problems. This is one of several examples Matt has shown to have gone above and beyond duty.

Laura stated new for the One N. Washington project a web page has been set up to provide information on the project. TIF general information has been added as well as the ins and outs of the TIF process is complicated.

Ald. Cerone asked Laura where the citizens can find this information.

Laura stated on the City websites' home page you will see an icon for One N. Washington. Click on that and a page associated with top documents for the TIF redevelopment project plan and other documents and general info on TIF's are listed. Anyone who has suggestions please let me know and we can add to that page. We are looking into adding a power point in the future.

19. COMMITTEE REPORTS

Community Development Committee- Ald. Brown

Next COW Aug 16th 730

Plan Commission Aug 17th at 7:30

Historic Preservation Aug 22nd 5:30.

Government Services Committee- Ald. Atac

Nothing on the agenda

City Services Committee – Ald. Wolff

Master Service Agreement

Purchase of a new Public Works vehicle

Public Utilities – Ald. O'Brien

Nothing on agenda

20. OTHER BUSINESS: None

21. MAYORS REPORT -

The Mayor stated on Sunday September 18th the Batavia Fire Department will have their 150 Year celebration with an open house at the West Side station from 11-2pm. The Mayor said Chief Deicke and the group have been working diligently gathering facts and display items that are meaningful. The public is invited to the open house.

The Mayor state we have a lot of challenges before us with development ideas and a budget ahead with many people wanting to do stuff. The Mayor said Laura and I have talked about the tightness of funds and things occurring out there. We may have a tight budget for things in the next years. The wild card out there the Mayor said is the State of IL for who the picture gets darker every day. The state municipal share of tax distributed per capita basis has been reduced significantly. One proposal the Mayor said he has heard was to give cities nothing. We would not fare as bad as some other cities, but this would be a blow to our budget and every other city in the state.

22. EXECUTIVE SESSION: a. Purchase and Sale of Electric Power 8:55pm

Motion by Ald. Cerone, seconded by Ald. McFadden, to go into Executive Session. Motion Carried 13 yea/ 0 nay/ 1 absent

All those who entered Executive Session returned.

22. ADJOURNMENT 9:50 p.m.

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

Minutes prepared and submitted by,
Christine Simkins
Deputy City Clerk