

MINUTES
August 23, 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 (entered at 7:32pm), Wolff, Fischer, O'Brien, Callahan, Mueller, Botterman, Cerone, and McFadden

Members Absent: Alderman Hohmann

Also Present: Mayor Schielke (entered at 7:40pm); Laura Newman, City Administrator; Scott Buening, Director of Community Development; Jeff Albertson, Building Commissioner; Gary Holm, Director of Public Works; Rahat Bari, City Engineer; Andrea Podraza, Senior Civil Engineer; Chris Aiston, Economic Development Consultant; and Jennifer Austin-Smith, Recording Secretary

2. Items to be Removed/Added/Changed

Newman stated that Ordinance 16-56 (agenda item number seven) was to be removed from the agenda. There was no objection by the Committee.

3. Matters From the Public (For Items NOT on Agenda)

Dick Benson shared that he lives in a TIF district. He stated that people should be aware of the fact that this year he paid \$8,600. He paid \$200 in taxes to all of the other taxing bodies. He paid \$772 to the school. He paid \$48 to the County. If he would not have been in the TIF, he would have paid \$371 to the County and \$6,500 to the school. When they do the levies for all of the taxing bodies, my assessed value for that purpose is \$12,230. If he weren't in the TIF his total tax bill would be based on an assessed value of \$102,000. That tells him that everybody, every taxpayer, is helping to reimburse the TIF for Batavia and people should know that. The City is going to help subsidize Shodeen so that he could make an acceptable ROI. If he cannot make an acceptable ROI up front, without any help in his financing, that is not a good deal and is not good for Batavia. If we give Shodeen money, it will take us fifteen to twenty years to get that money back in taxes.

Sylvia Keppel quoted Alderman Rick Lawrence in Aurora who stated "I did find it very disturbing that Shodeen would get a private meeting with the Council. This entire project does not follow any established process and still doesn't...this project we don't have any plans or engineering in front of us but now we are in the process of rewriting the deal. It really doesn't make sense." Keppel stated that Shodeen has a history of going into closed session with councils

and makes deals with them behind closed doors. She hopes that this did not happen here. That was one of the reasons she requested the closed session minutes but was denied them until the deal is closed. Keppel stated that this whole deal that Shodeen is selling is common everywhere. They are doing it in DeKalb, trying to do it in Geneva, they are doing it in Aurora and it is the same mixed-use development. The parking is being criticized in their projects elsewhere as well. Keppel asked for the process done in Batavia to be open and transparent. Keppel discussed how the Baptist Church property was purchased by the City and the Altamanu plan for the property. She asked the City to try to find a different project or see what they could find, and discussed the preferred TIF process with a general redevelopment plan. Keppel concluded that it appears that this project is being pushed through. She asked the Committee to slow the process down.

Jim Slushman expressed that he shares the concerns discussed by Keppel. There are a lot of questions that need to be answered.

Yvonne Dinwiddie stated that having the Committee of the Whole meetings on BATV would help with trust. Noted that there is a sign outside of the church lot stating this project being paid for by TIF funds and the TIF has not been approved as of yet and how does that improve trust. She is not opposed to development she is opposed to the taxpayers paying for private people to develop property. Wolff stated that the church is already in a TIF District. The City is in the process of developing a new TIF. Chanzit asked for another alderman to stand with him in requesting staff to work with Dinwiddie if there is a PowerPoint presentation to ensure that the facts are correct. He explained that past PowerPoint presentations have had to be corrected by staff. O'Brien stood with Chanzit's request.

McFadden announced that Monday, November 7th is the scheduled public hearing for the TIF at 7:30pm in the City Council Chamber. Brown added that all that information is available on the City's website.

4. 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 16-51: Establishing a TIF Public Hearing Date (Chris Aiston 8/17/16)**
- b) Ordinance 16-52: Establishing a TIF Interested Party Registry (Chris Aiston 8/17/16)**
- c) Resolution 16-73-R: Authorizing Reduction of Letter of Credit Amount for Tanglewood Subdivision Unit 5 and Accepting public Improvements of Water and Sanitary System (Rahat Bari 8/18/16) CS**

Motion: To recommend to City Council approval of the Consent Agenda as presented
Maker: Stark

Second: Wolff

Roll Call Vote: **Aye:** Stark, Chanzit, Wolff, Fischer, O'Brien, Callahan, Mueller, Botterman, Cerone, McFadden, Russotto, Atac

Nay:

13-0 Vote, 1 Absent, Motion carried.

Item C of the Consent Agenda was added to the Consent Agenda for the City Council meeting.

5. WBK Presentation for Ward 1 Drainage Investigation (Andrea Podraza 8/19/16) CS

John Witte, WBK Engineering, LLC, presented on Ward 1 Drainage Investigation. The presentation included the following:

- Ward 1 Overview
- Modeling Results
- Possible Future Projects
- Possible Future Projects - Giese Road
- Future Projects Reduce Depth and Duration of Flooding (existing and proposed are modeled)
- Future Storm Sewer Projects (locations and cost totaling 2.2 million dollars)

Andrea Podraza stated that designing for a ten year storm is the industry standard at this time. O'Brien stated that the labor cost and the equipment costs should still be the same if we went to a 100 year storm. The only difference would be cost of equipment. Holm noted that there may be a possibility of digging two trenches if designing towards a one hundred year storm and that would be a significant increase in cost. Witte stated that they could redesign for a one hundred year storm, it is just up to the City how they want to proceed and how much money they want to invest. They could go back and look at the one hundred year, it would be more money, but if the City wants to go in that direction they could work that out with staff.

Brown asked that the location of all the properties that reported water in their basements and their foundations be put onto the drainage map. Podraza stated that she does have a list and records available. Brown asked if we fix this area would it have a negative effect on another area. Witte answered that the same amount of water would be drained through the drainage system, it would just drain more efficiently. We are still exposing them to the same amount of capacity. Brown stated that he would like to know how many of these streets have already been approved and how many are planned for approval. Podraza stated that there is a chart that she could share with the Committee. O'Brien asked about the culverts under Kirk Road and how we could get KDOT to do the maintenance on that area. Podraza answered that they will look at the agreements with KDOT and have discussion with KDOT over the City's concerns. Wolff commented that the maintenance issues are something that we need to address as soon as we can.

O'Brien stated that this is one small section of the First Ward and this is a Batavia City-wide issue. We need to address this issue. We need to address residents concerns of flooding City-wide and the budgeted \$400,000 is not enough money. We need to bond this and get it taken care of City-wide. If we continue to do improvements in pieces it could take ten to fifteen years to get the City gets their problems fixed. O'Brien stated that he is an advocate for stormwater utility

and that might be the next step for us. This is a problem that is not going away and we need to address it. Wolff stated that the City needs to get some real capital in order to do these repairs.

The floor was opened for public comment.

Rich Cruz explained his back yard is on Kirk Road, in front of his driveway is one of the culverts, and the back of the yard is a ditch in which the water collects and it sits there. He stated that the water has to go uphill to get to the pipe to Fermi lab up the road. The water sits there all year long. His concern is how does the water get from there to a higher level to get to the drain underneath Kirk Road. His backyard continues to have sitting water and that breeds mosquitos. Podraza stated that staff could come out to look into the backyard issue. He added that he had water in his basement. Brown asked for him to give that information to staff. Cruz asked about permeable concrete. Brown stated that, as a concrete contractor and someone who is certified in pervious pavement, it does not work and it is too expensive.

Rick Global stated that he talked about this five years ago and not much happened since then. He stated that designing to a ten year event is under achieving. Residents deserve to have their houses preserved. There is water that sits in their subdivision and that they have named Lake Louise. He asked if there is a way to get that water into the drainage system. Podraza stated that staff could look into that as they move forward. Global shared that he had Perma-seal out to fix the cracks on his house due to the rainwater runoff.

Margie Brenheart stated that we should go for the 100-year design. You already see the climate change, we need to plan for the future and not what is going on today. We should go for the best we can.

Wolff stated that he would like to see the City staff work on the maintenance that we could do right now in order to get the water flowing as it should. Specifically we should look into getting the culverts cleaned out that run below Kirk Road.

Podraza stated that discussion on Area Three is scheduled for the 13th of September. Bari stated he would find out with the County who is responsible for maintenance to get those areas clean. There is no action needed today. He asked the Committee to provide comments by Monday to staff regarding the study.

6. Municipal Parking Lot Maintenance Program (Rahat Bari 8/16/16) CS

Bari presented on the City of Batavia Parking Lot Maintenance, Inventory and Condition Data. The presentation included the following:

- Purpose of the presentation
- What are parking lots/access roads used for?
- Why maintain parking lots?
- Parking lots inventory
- Parking Lot and Utility Access Roads map
- What did we find in parking lots?
- Need preventative maintenance (crackfill, patching)

- Resurfacing and Reconstruction
- FY 17-FY21 Goals

O'Brien, Brown and Wolff expressed their support for this project. There were no objections from the Committee. Bari stated that he would bring to the Committee a budget for the next five years.

7. Ordinance 16-56: Establishing a New E-6 Liquor License Classification (Limited Retail Nonprofit License) (Chief Schira 8/15/16)

This item was removed from the agenda.

8. Approval: Demolition Certificate of Appropriateness 400 South Shumway Avenue (Jeff Albertson 8/16/16) CD

Albertson stated that the next two items are for demolition certificate of appropriateness in which the HPC is a recommending body. The HPC did review the COA, this building has never been classified in the district. Staff and the HPC agreed that the building would be classified as non-contributing. The HPC liked the design for the new building. Byron Ritchason stated he is hoping by the end of the year to get IEPA approval on the plans and hopefully in April or March start breaking ground. The conceptual design was reviewed and displayed for the Committee and public to view.

Motion: Recommend to Council approval of Demolition Certificate of Appropriateness 400 South Shumway Avenue

Maker: Brown

Second: McFadden

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

9. Approval: Demolition Certificate of Appropriateness 111 East Wilson Street, 133 East Wilson Street, 20 North River Street (Jeff Albertson 8-16-16) CD

Albertson reported that this COA contains the First Baptist Church. The HPC held three meetings for review on this COA. The 111 East Wilson and the 20 North River Street properties are non-contributing. A statement from a resident's son who is not in favor of the demolition was submitted in the packet of information to the Committee. The HPC did recommend approval of the COA. Brown stated that the HPC was very thorough with this process. Callahan agreed. Callahan stated that it would be irresponsible for the City to pay 3.5 million dollars to just make the church safe. This building is a safety hazard. Botterman asked if there were any defects to the parking garage. Albertson stated that there were no issues with the parking garage. Botterman asked if the parking garage would be demolished for the proposed Shodeen project. Albertson stated that is correct. Stark asked if there were any comments from the public. There were none.

Motion: To recommend to City Council approval of Demolition Certificate of Appropriateness 111 East Wilson Street, 133 East Wilson Street, 20 North River Street

Maker: Brown

Second: O'Brien

Roll Call Vote: **Aye:** Brown, O'Brien, Callahan, Mueller, Cerone, McFadden, Russotto, Atac, Stark, Chanzit, Wolff, Fischer
 Nay: Botterman
 12-1 Vote, 1 Absent, Motion carried.

10. Discussion: Proposed Special Service Area for Windmill Lakes Development (Main and Randall) (Scott Buening 8/12/16) CD

Stark reviewed the memo with the Committee. The public hearing would be on September 19th and the SSA would start on December 5th. Buening stated one representative of each property has been contacted about this proposed SSA.

Motion: To direct staff to move forward with the proposed Special Service Area (SSA 60) for Windmill Lakes Development
Maker: Wolff
Second: McFadden
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
 Motion carried.

11. Project Status

Newman reported that Gary Holm would be spearheading the City building improvements project. The goal is to correct the areas in which we do not meet compliance first and then address other matters that are less of a priority. The prioritization and budget would be presented to the Committee by the architect hired for the plan.

Newman stated that the Community Development Department has been working on a Food Vender Ordinance. Newman stated that we are considering doing a special event similar to what the City of Aurora is doing with their First Fridays. Newman will research the impact of such event on brick-and-mortar restaurants.

Newman announced that a company called Metronet approached the City staff, they are a fiber optic communications provider competing with Comcast and AT&T. This might be an opportunity to provide more choice for our residents. Staff will be looking into this possibility.

Brown asked about where we are with Engineering Resources on the west bank river restoration. Bari answered that this will be up for discussion with budgets next year. A field visit would be completed as well.

Newman is meeting with BEI tomorrow and will ask about Blue Goose.

12. Other

There were no others at this time.

13. Executive Session:

a) Purchase and Sale of Electric Power

The Committee entered Executive Session at 9:40pm and exited at 10:56pm.

Motion: To enter into executive session for the purpose of purchase and sale of electric power
Maker: O'Brien
Second: Stark
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.

14. Adjournment

There being no other business to discuss, Brown asked for a motion to adjourn the meeting at 10:56pm; Made by O'Brien; Seconded by Fischer. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith