

**CITY OF BATAVIA**  
**MINUTES OF THE BATAVIA CITY COUNCIL**  
**September 19, 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 7:30 p.m.
2. INVOCATION followed by PLEDGE OF ALLEGIANCE: Ald. Brown led the pledge
3. **ROLL CALL: 13 of 14 aldermen were present.**

Aldermen (by ward): Michael O'Brien (1), Carl Fischer (1), Alan Wolff (2), Kyle Hohmann (3), Dan Chanzit (3), Paula Mueller (4), Susan Stark (4), Kevin Botterman(5), Lucy Thelin Atac (5), Michael Russotto(6), Nicholas Cerone(6), McFadden (7) and David Brown (7) were present. Martin Callahan (2) 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
Police Chief	Gary Schira
Finance Director	Peggy Colby
City Engineer	Rahat Bari

4. **ITEMS REMOVED/ADDED/CHANGED: None**

5. **CONSENT AGENDA**

Accept and Place on File:

- A. Committee of the Whole Minutes for August 9, August 16, and August 23, 2016
- B. August 2016 Building Report
- C. Historic Preservation Commission Minutes for August 8, 2016

Approvals:

- D. April 8, 2016 Payroll \$750,786.31
- E. Accounts Payable Check Register \$4,211,875.76
- F. **ORDINANCE 16-56:** Amending Ordinance 04-08 Relating to the Downtown Tax Increment Finance District Redevelopment Plan and Project (TIF #3)(SCB 9/2/16 COW 9/13/16 9/0)CD

- G. **RESOLUTION 16-77-R: Authorizing execution of a Master Services Agreement**  
WBK Engineering, LLC (AMP 8/31/16 COW 9/13/16 10/0)CS
- H. **RESOLUTION 16-80-R: Intergovernmental agreement between the City of Batavia  
Batavia Township Highway Department for resurfacing of Lund Lane (RB 9/9/16  
COW 9/13/16 10/0) CS**
- I. **RESOLUTION 16-79-R: Authorize Execution of a Pole Attachment Agreement with  
Sigecom, LLC d/b/a WOW! (RR 9/9/16 COW 9/13/16 10/0)PU**
- J. **ORDINANCE 16-58:** Revising Title 3 Chapter 3 of the Batavia Municipal Code  
Amending the Class F Special Events (Nonprofits) License Terms (Chief Schira 9/1/16 COW  
9/13/16 10/0)GS

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

#### **6. MATTERS FROM THE PUBLIC: (For Items NOT on the Agenda)**

Todd Zies presented for the North Aurora Friends Charity. Doug Jobe & Star Fitzgerald's business is called In Patience of Jobe which raises money by building and painting signs. Over the past year they have raised \$13-14,000 to donate to Homeless Veterans, Animal Welfare League & Hesed House. Doug and Star couldn't be here tonight and asked me to present the plaque. Todd asked the Mayor and Chief Schira to come up so he could present the plaque.

**The Mayor accepted the plaque and stated he remembers Doug as a kid growing up in Batavia. He was always a hard worker and was involved in the community. The Mayor stated Doug's father was in law enforcement. The Mayor said he appreciates the generosity and wanted to say thank you from himself and the Council for thinking of his hometown.**

#### **7. MAINSTREET MINUTE:**

Jamie Saam spoke stating they had 180 volunteers giving 315 hours for events last month. Jamie said she has been working with City staff and the Chamber to collaborate and make One N. Washington a very successful project. Jamie stated the Block Party was amazing and had a large numbers attend. Batavia restaurants were packed and downtown was very busy. For this event they had 30-40 volunteers as well as committee.

Batavia Housewalk is Sunday September 25th from 11-4pm. Tickets are still available for \$20. Visit 4 Batavia homes and the Newton House for tea and a tour.

Oktoberfest is October 7 & 8th. Jamie said they are partnering with Samuel Adams for this event. Hours are 5-11 pm Friday & 11-10pm Saturday. The location will be on River St. and this will be an authentic Oktoberfest with bands, yodeling, best dressed contest, and German food and drinks. Main St. needs over 100 volunteers for this event.

October 22nd is Batfest from 10am-2pm. We will be partnering with the Cub Scouts for the pumpkin roll. The Batavia Mother's Club will be partnering for the costume parade and pet parade. Jamie stated businesses have prepared for a good turn out and will have lots of candy for trick-or-treaters.

Jamie said thank you.

The Mayor commented on what an action packed schedule we have coming up. The Mayor then said he wanted to mention yesterday was the 150th Anniversary of the Batavia Fire Department and it was a beautiful day. The Mayor said this was well attended with approximately 1000 people showing up throughout the day.

The Mayor said thank you all for keeping up the spirit of these latest events.

#### **8. PRESENTATION: BATV Podcast/Jen Brens**

Jen Brens spoke for BATV regarding a new adventure they have taken on a podcast. Jen said the idea was that now there will be no excuse to not know what is going on in your community and to give people the transparency of government.

Jen said you can listen to these podcasts on U-Tube or iTunes. Jen then presented a slide/audio presentation. To learn more go to [mybatv.com](http://mybatv.com) to watch a tutorial.

The Mayor said thank you Jen for coming in to show this.

#### **9. APPOINTMENT: Appoint Mr. Jeremy Barkei to the position of Water Superintendent (JDS)**

Laura then asks Council to appoint Jeremy Barkei, Former Lead Water Operator for North Aurora to the Water Superintendent position. Laura stated Jeremy and his family have strong ties to the community.

The Mayor asks Council to appoint Jeremy Barkei.

Motion by Ald. Brown, seconded by Ald. Wolff, to approve the Appointment of Jeremy Barkei to the position of Water Superintendent as presented.

Motion Carried 13 yea/ 0 nay/ 1 absent

#### **10. APPROVAL: Batavia Main Street Class F Liquor License for Oktoberfest 2016 and waive fee (Chf. Schira 9/13/16)**

David Peebles, who resides at 525 North Ave and is a lifelong Batavia resident asked to speak. Mr. Peebles said he requests the Chief of Police have extra police on duty for this event. He also asked for diligence in regards to carding people to make sure nothing goes wrong. Mr. Peebles stated he remembers there had been some problems on River St. many years ago, and he doesn't want to see that happen again.

The Mayor stated he wants to assure everyone that the Batavia Police Department and Main St. have thoroughly checked and double checked to make sure this event goes smoothly. They do not anticipate any problems.

Chief Schira stated for the record, extra police have been assigned for this event.

Motion by Ald. Atac, seconded by Ald. Hohmann, to approve the Class F Liquor License and Waive Fee as presented. Motion Carried 13 yea/ 0 nay/ 1 absent

11. APPROVAL: To Waive Formal Bidding and Approve Resolution 16-78-R Authorizing Execution of a Construction Contract with Pirtano Construction Company, Inc. for \$327,032.74 which is the total value plus a 5% contingency; (RR 9/6/16 COW 9/13/16 10/0)PU

Ald. O'Brien stated Batavia has an agreement with Fermilab to add fiber optics. In 2014 the work was approved and we are looking to finish up the work this year. This project has already been budgeted for.

Motion by Ald. O'Brien , seconded by Ald. Stark , to approve the Approval of Resolution 16-78-R and Waive Formal Bidding as presented. Motion Carried 13 yea/ 0 nay/ 1 absent

12. RESOLUTION 16-78-R: Authorize Execution of a Construction Contract with Pirtano Construction Company, Inc. for 327,032.74 (RR 9/6/16 COW 9/13/16 10/0)PU

Motion by Ald. O'Brien seconded by Ald. Botterman, to approve Resolution 16-78-R as presented. Motion Carried 13 yea/ 0 nay/ 1 absent

13. ORDINANCE 16-46: An Ordinance Establishing Regulations for Illicit Discharges into the Storm Water Drainage System (AMP 8/30/16 COW 9/13/16 10/0)PU

Ald. Atac stated this Ordinance will help protect waterways to meet national standards and to help educate the public with outreach on Storm Water Drainage.

Motion by Ald. Atac , seconded by Ald. O'Brien , to approve Ordinance 16-46 as presented. Motion Carried 13 yea/ 0 nay/ 1 absent

14. ORDINANCE 16-55: Proposing the Establishment of Special Service Area Number 60 Windmill Lakes Development (SCB 8/30/16 COW 8/23/16 12/1)CD

Ald. Brown stated staff has been working with property owner, as the prior owner died. This property was set for a public hearing as it is not being maintained.

Motion by Ald. Brown , seconded by Ald. McFadden, to approve the Ordinance 16-55 as presented. Motion Carried 13 yea/ 0 nay/ 1 absent

15. APPROVAL: Water Street Studios Class F Liquor Licenses for the Live Art Series Event(Chf. Schira 9/16/16)

Ald. Atac said Water Street Studios is asking for a Class F Liquor License for a special Live Arts Series.

Motion by Ald. Atac, seconded by Ald. Stark, to approve the Class F Liquor License as presented. Motion Carried 13 yea/ 0 nay/ 1 absent

16. APPROVAL: Water Street Studios Class F Liquor Licenses for the Waterline Writers Events (Chf. Schira 9/16/16)

Ald. Atac stated Water Street Studios is asking for a Class F Liquor License for the Waterline Writers Events.

Motion by Ald. Atac, seconded by Ald. Stark , to approve the Class F Liquor Licenses as presented. Motion Carried 13 yea/ 0 nay/ 1 absent

17. ORDINANCE 16-59: Approve and Authorize the Acquisition of the Real Property Located at 113 E. Wilson Street, Batavia, IL (Fisher Property) (Laura Newman 9/15/16 COW 9/13/16 10/0)

Laura stated this is the 2nd of two properties the City has agreed to acquire. This building is currently a dental office. Laura stated \$350,000 is the negotiated purchase price, plus the dental practice relocation costs of \$250,000 and \$5,600 closing fees. This would bring the total purchase price to \$600,000 for approval today. This is similar to the Frydendall property except it was not offered to sell originally. The seller's appraisal at Fair Market Value is \$350,000 for a fully equipped dental office. Dr. Fisher's attorney presented estimated relocation costs of \$447,920. Dr. Fisher authorized to lower the estimated cost to \$250,000.

Laura asked if there were any questions.

The Mayor mentioned this is the last piece of the puzzle. This project has involved a lot of soul searching and many hours of discussion. City Council did not want to get involved with Eminent Domain actions regarding the property. The Mayor stated thanks to City Staff negotiations it has helped all parties involved reach an agreement with a fair price. There has been hard discussion and debating on this, and I respect and recognize those who express concerns. The Mayor said he gives special thanks to the City Administrator, Laura who has brought lot of time and talent to move this forward in a positive direction.

Carl Dinwiddie stated first he would like to say the 150th Batavia Fire Department Anniversary Event was spectacular and wanted to say thank you to all involved. The demonstration for the kids was terrific.

Carl said secondly he would like to thank the Water Commissioner. He wanted to point out how much Batavia water has improved from 10 years ago.

Carl then said but on a different note, there are many choices the City has been making that have been troubling him. Also the buying and then reselling of the property to the developer for cheap, the use of TIFs to fund projects, and the spending of millions on a parking garage. Carl said then there is the buying of the Frydendall building, the Larsen Becker properties and now the Fisher building. Carl said there has been no COW meeting, then it is all of a sudden on the Agenda for something we are spending 2 million on. Carl said as for the Fisher price how was that determined when it is not a fully equipped practice if we are moving the business? Also, no one has looked inside the building from what he understands. There are no notes of a COW vote taking place. Has this all been done behind closed doors? Carl said he then thought of the 2008 Trotter Study that was done to take care of sewer septic issues and said he wished the money and

time spent were spent on those problems instead of all this. Carl said Gary Holm has been asking for money for maintenance and infrastructure and hasn't gotten it. Carl stated this is a runaway train and the 2nd major expenditure with no citizen discussion and wanted to express his displeasure with that.

Marianne Viereckle, of 2S184 Chillem Dr., asked to speak. Marianne said in 1959 she was married at Holy Cross Church in Batavia. She stated she loves Batavia and the common people but stated she has an opinion. She feels inflation in this town is terrible. Marianne stated in 1960 they bought their house with a lot for \$20,000. Taxes were \$500 and are now \$6,000 a year. She said I love Batavia but I cannot afford this and have to move. Marianne stated the economy is not good and is against the building projects in this town. She stated this is my opinion- thank you.

Sylvia Koepal who resides at 1420 Becker Ave. then spoke. Sylvia stated let's slow this down and stop rushing before making another purchase that might put another nail in the coffin. The area doesn't have the parking you want and will just add more traffic problems. The 2006 study for straightening the jog on Rt. 25 said there are too many cars and now you want to put more. Stop looking at the dollar signs only. It seems you are looking at taxes revenue you would receive from this, which the City only gets a small portion of. This property was never meant to be about taxes. I have researched and the original Deed states it is for church purposes only. On the original deed in 1922, the grantors wanted to deed to the church and meant to keep it a church. When it was deeded to the City with a Quick Claim Deed that information is not clear. Somehow the original information was changed and amended. Sylvia said she asked Mr. Drendel, who is the lawyer for the property how this happened and he said did not know. Sylvia said a church did want to buy this property and was turned down. Sylvia also stated she hasn't heard anything about the other costs that will be involved. What about demolition, security, liability, and clean up? There are other costs to consider. Please go into this with your eyes open. Don't just look at dollar signs. Thank you.

Ald. Stark stated she would like to request when people address us at meetings or on social media please preface with, in my opinion. This is important for getting information out that is opinion instead of passing information off as facts. Ald. Stark said we need to distinguish what is fact about the project.

Motion by Ald. Atac seconded by Ald. Fisher, to approve the Ordinance 16-59 as presented. Motion Carried 12 yea/ 1 nay/ 1 absent

#### 18. ADMINISTRATOR'S REPORT:

Laura stated that One N. Washington has had lots of activity on site last week. Shodeen has started excavating and soil testing. They found the bedrock was sufficient to support the garage. Staff and River St. businesses met on Friday. 3/4 of the meeting was about parking which they found has been the #1 issue of concern. We hope to address all problems in a positive manner. Another topic of concern was to improve communication. We have now created an email address that comes directly to me: [riverst411@cityofbatavia.net](mailto:riverst411@cityofbatavia.net). I will answer any questions or find someone who can directly answer. After this meeting Dave Patzel stayed extra to answer any questions as the developer of the project.

Laura said the Larson Becker project is moving forward. She said she will be taking a visit to the buildings. The building on the West-Side of street is to be demolished for parking. They are looking into the historical value of the buildings. Laura said the budget meetings have been on-going as well.

Laura stated she and Rahat Bari will be taking a class at the University of Wisconsin. This is a four day class on municipal electric and government. Laura said she expects to learn much get valuable information from this.

On September 14<sup>th</sup> she has a meeting with Public Works to go over the water works & master plan. This is the 3<sup>rd</sup> progress meeting and hopes by December to have a Final Plan in place. The next brush pick up is October 10<sup>th</sup> on the East-Side, October 17<sup>th</sup> for the West-Side. Have brush out by 7am on curb Monday of those weeks.

Laura stated she has heard from Gary Holm that the white striping on Woodland Hills Rd. began today. Laura said Gary received an email from a resident saying thanks for getting right on that request.

Ald. O'Brien asked Laura if she has heard anything regarding the artwork on bridge.

Laura stated yes, this was the last day for proposals and they received a half dozen. This project is still being managed by Bill McGrath. He will be picking up proposals and reviewing them.

#### 19. COMMITTEE REPORTS:

##### Community Development Committee- Ald. Brown

Redevelopment is picking up this year we have design reviews. Discussion on Windmill Apartments; 2400 Hawks Dr.; behind Walmart. The proposal is for 80 apartments for age 55 and up. Discussion on changing the retaining wall design for the Shell Station from cement block to cement.

##### Government Services Committee- Ald. Atac

Hiring a Communications Coordinator  
Crosswalk safety

##### City Services Committee – Ald. Wolff

Nothing on schedule

##### Public Utilities – Ald. O'Brien

Nothing on schedule

Laura said she also wanted to mention businesses have asked we step up enforcement of parking time limits

Ald. Brown with all the development happening we need to have a conversation about those business's employees parking away to make room for their patrons.

Laura said this was mentioned and they raised concerns on liability for that. They want to find an alternative for employees.

Ald. Wolff said he wanted to bring up employees that park in front of their work place. He asked how we can enforce this when they aren't following the rules.

Laura stated we will address to those businesses to talk to their employees and enforcing these rules.

Ald. O'Brien asked if they are aware of Art stop.

Laura yes they are and soon all will see a gigantic sign to indicate free parking.

Ald. O'Brien said thank you Laura. Ald. O'Brien said he also wanted to mention he thought we should support Batavia as the City Council by shopping and buying in Batavia, especially with all this construction.

20. OTHER BUSINESS: None

21. MAYORS REPORT

The Mayor stated 6-8 weeks ago the Congregational Church asked him to speak at a few events. On both occasions he said he witnessed someone trying to walk on the sidewalk in front of church on First Street and falling. He said there is a sidewalk problem with the half bricks that have now crumbled away. The Mayor said it is like a mine field and luckily no one was seriously hurt. The brick problem is on Batavia Ave. by the main entrance and on First Street. He said it is highly dangerous and we need to address that right away.

The Mayor said another concern he has is the overgrowth of Braeburn Marsh. Last fall there was a big fire on Mckee St; West of Randall Rd. The fire was heading North by the Braeburn Marsh. The Mayor said he went to check and saw residents hosing down houses worried about fire. With help of neighboring cities we got the fire under control pretty quick. The Mayor said he was very worried then about the overgrowth of the marsh. Now another season has come and more overgrowth. The Mayor said there are many houses close to this area. For the next meeting the Mayor said he is asking to fix the bricks in the sidewalk and to have a burn off of the Marsh to get rid of all the overgrowth. The Mayor said Chief Deicke has told him he is concerned about this too. He said Kane County Forest Preserve has been asked to partner and care of their part as well. The Mayor said he does not want to wait for a problem to happen before it is taken care of. He asked to look at budget and add to the October 3<sup>rd</sup> agenda.

Ald. Wolff stated on that brick sidewalk there was a section were part was closed while they were working on the church. He thought they fixed the problem then.

The Mayor said he is not sure, but it needs to be fixed.

Ald. Brown said he supports both the sidewalk and Marsh burn off. He has been any over with County to look at them. Ald. Brown said if we keep letting it go and we get another rain storm we will have a flooding issue as well.

The Mayor said they have been trying to negotiate with County who said they were going to burn next year. The Mayor said that he is very concerned if we wait it is a bad situation.

Ald. O'Brien stated we had a burn about 6 years ago, but more frequent burns maybe necessary, maybe every two years.

The Mayor said that is what he would like to see happen. We will have a very serious problem if not changed.

O'Brien stated also 6 years ago time and money was spent cleaning it as well.

The Mayor said we have been working with weather of record proportions which has accentuated the problem we to do a burn every two years.

22. ADJOURNMENT 9:00 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