

**CITY OF BATAVIA**  
**MINUTES OF THE BATAVIA CITY COUNCIL**  
**January 16, 2018, at 7:00 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**

The meeting was called to order by Mayor Schielke at 7:31 p.m.

**2. INVOCATION followed by PLEDGE OF ALLEGIANCE**

Mayor Schielke offered a brief invocation. Mayor for the Day Bob Kiefhoffer led the Pledge of Allegiance.

**3. ROLL CALL**

**12 of 14 aldermen were present.**

Aldermen (by ward): Scott Salvati (1), Michael O'Brien (1), Alan Wolff (2), Martin Callahan (2), Dan Chanzit (3), Susan Stark (4), Lucy Thelin Atac (5), Mark Uher (5), Michael Russotto (6), Nicholas Cerone (6), David Brown (7) and Drew McFadden (7) were present. Elliot Meitzler (3) and Anthony Malay (4) were absent.

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

City Administrator	Laura Newman
City Clerk	Ellen Posledni
Fire Chief	Randy Deicke
Police Chief	Daniel Eul
Administrative Assistant	Anthony Isom
City Attorney	Roman Seckel
Communications Coordinator	Chris Cudworth
Finance Director	Peggy Colby
Community Development Director	Scott Buening
Director of Public Works	Gary Holm
Director of Human Resources	Wendy Bednarek

**4. ITEMS REMOVED/ADDED/CHANGED**

None.

**5. PRESENTATION: Certificates to Batavia Football Team (JDS)**

The presentation was made before the meeting was called to order.

## 6. CONSENT AGENDA

Ald. Atac read the consent agenda as follows:

### Accept and Place on File

- A. Historic Preservation Commission Minutes for November 27, 2017
- B. 2017 GO Bond Series Post Issuance Compliance Report
- C. December 2017 Building Report

### Approvals:

- D. January 12, 2018 Payroll \$900,317.82
- E. Accounts Payable Check Register \$987,736.22
- F. City Council Minutes for January 2, 2018
- G. **ORDINANCE 18-02:** Amending the Comprehensive Plan Land Use Map for 315 S River St Batavia (Rackow 12/15/17 COW 1/9/18 13/0) CD
- H. **ORDINANCE 18-03:** Amending the Official Zoning Map for 315 S River St (Rackow 12/15/17 COW 1/9/18 13/0) CD
- I. **ORDINANCE 18-04:** Amending the Official Zoning Map for the City of Batavia, 711 Mather Lane. (Rackow 12/15/17 COW 1/9/18 13/0) CD
- J. **ORDINANCE 18-05:** Amending the Official Zoning Map of the City of Batavia – Fox River Island 183B (Rackow 12/15/17 COW 1/9/18 13/0)
- K. **ORDINANCE 18-06:** Authorizing the Execution of an Annexation Agreement between Jedd P Thielk & J Nelson Couch and the City of Batavia for Property located at 920 Main St (Buening/Rackow 12/ 28/17 COW 1/9/18 13/0)
- L. **ORDINANCE 18-10:** Annexing and Zoning Property at 920 Main Street to the City of Batavia (Buening/Rackow 12/ 28/17 COW 1/9/18 13/0)
- M. **ORDINANCE 18-07:** Authorizing Execution of an Annexation Agreement with Nata-Leigh Foulkes & Kevin V. Preas for property located at 209 Whipple Avenue (Buening/Rackow 12/ 28/17 COW 1/9/18 13/0) CD
- N. **ORDINANCE 18-11:** Annexing and Zoning Property at 209 Whipple Avenue (Buening/Rackow 12/ 28/17 COW 1/9/18 13/0) CD
- O. **ORDINANCE 18-08:** Authorization of an Annexation Agreement for 215 Whipple Ave (Buening/Rackow 12/ 28/17 COW 1/9/18 13/0) CD
- P. **ORDINANCE 18-12:** Annexing and Zoning Property at 215 Whipple Avenue (Buening/Rackow 12/ 28/17 COW 1/9/18 13/0) CD
- Q. **APPROVAL:** Class B-5 Liquor License for 7-Eleven #33145b at 710 E. Fabyan Pkwy (Chief Eul 1/10/18)
- R. **APPROVAL:** Class B-5 Liquor License for 7-Eleven #33B74B at 336 E. Wilson St (Chief Eul 1/10/18)

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

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

Former Batavia educators Katherine Hubbard and Daniel Russo presented information about a new initiative for the Batavia Public Library called Speak Up! Mr. Russo outlined the many benefits citizens enjoy from the library and shared that 200 items per hour are checked out of the library. The library Board of Trustees is planning for the future and will be conducted four Speak Up! Sessions to learn more about what citizens would like the library's future to look like. Each session will focus on a different topic and will encourage discussion and sharing of feedback. Residents can attend one or all of the sessions. The first session will be February 1 in the Batavia High School cafeteria from 7 – 9 pm. Online registration is requested, but not required. Mayor Schielke thanked Ms. Hubbard and Mr. Russo for the good work happening at the library.

Mayor for the Day Bob Kiefhoffer thanked the City Council for their service and for the opportunity to sit with Mayor Schielke during tonight's meeting.

## **8. MAINSTREET**

MainStreet director Jamie Saam welcomed BHS graphics students who won the seasonal banner design contest and presented them with framed prints of their work. Teacher Kathleen Tieri Ton explained that this year, the students really explored what Batavia means to them. Students who designed the winner banners are: Sarah Anderson (fall and summer), Melissa Benton (spring) and Erin Gray (winter). Mayor Schielke thanked the students for a job well done.

MainStreet president Patrick Moynihan offered a year-in-review presentation about the organization. He thanked the City Council and staff for their efforts, and noted it is an honor to promote downtown Batavia. The organization started in 1998 to focus on economic development. Mr. Moynihan outlined the group's mission, vision and budget. Of the \$305,550 budget, about \$40,000 comes from the City of Batavia, \$40,000 comes from the Special Service Area, and \$225,000 comes from fundraisers and sponsorship. MainStreet follows the National Main Street Four-Point Approach, which includes design, organization, promotion and economic vitality. MainStreet has 26 work plans through four committees, and intends to bring 70,000 people downtown in 2018. It has 78 events planned for 2018, not including partnerships. Mr. Moynihan specifically called out the 2017 Batavia Dinner Table, which raised \$7,000 for the Batavia Interfaith Food Pantry. He also discussed the 2017 Well Batavia, Race to Market and opening day of the Farmer's Market. In 2017, MainStreet started its Second Fridays event in cooperation with the Water Street Studios Second Fridays, which brought more people downtown on designated evenings. In 2017, seven new businesses opened, four businesses were retained/expanded, 18,500 square feet of space were taken off the market, and 61 jobs were created.

Mr. Moynihan noted that people make the organization work, and business partners are also essential. In 2017, more than 2,000 volunteers supported MainStreet with more than 4,000 hours donated. In 2018, Family Day will be added to Oktoberfest, and the Bulldogs will return to the downtown area.

**9. APPOINTMENT: Appoint Scott Brasel, Karen Cerveny, Steve Ericksen to the Batavia Bicycle Commission (Chief Deicke 1/9/18)**

Mayor Schielke named his nominees to the commission.

**Motion by Ald. Brown, seconded by Ald. Atac, to approve the appointments. Motion carried 12 yea/ 0 nay/ 2 absent.**

**10. RESOLUTION 18-03-R: Authorizing Task Order #15 with WBK for Phase II Engineering for Water main Replacement in the Area 3 Storm Sewer Separation Plans in the amount not to exceed \$44, 139.00 (A Podraza 1/3/18 COW 1/9/18 13/0) CS**

Ald. Wolff explained that the task order related to the ongoing sewer system repairs in Area 3 on the west side. This is the next step in the project. Ald. Brown noted that work on the water main and the storm sewer separation is all being done together so that the streets will not be disturbed multiple times. He said this is a complete rebuild of the system in that area.

**Motion by Ald. Wolff, seconded by Ald. O'Brien, to approve the resolution as presented. Motion carried 12 yea/ 0 nay/ 2 absent.**

**11. RESOLUTION 18-04-R: Authorizing execution of a contract with Steve Piper & Sons, Inc. for removal of trees on various City properties in the amount not to exceed \$21,045 (Chris Bong 1/5/18 COW 1/9/18 13/0) CS**

Ald. Wolff introduced the resolution relating to work around drainage and retention ponds. He indicated that Director Holm addressed concerns regarding the work around the Mahoney Creek site. Ald. O'Brien also indicated his relief that crews would be shredding the wood from Mahoney Creek off-site, and expressed his gratitude for the email response from Engineer Andrea Podraza.

**Motion by Ald. Wolff, seconded by Ald. Salvati, to approve the resolution as presented. Motion carried 12 yea/ 0 nay/ 2 absent.**

**12. RESOLUTION 18-01-R: Authorizing execution of a contract with Engineering Resource Associates for the College/Wilson Streets Storm Sewer Phase II Engineering Services in the amount not to exceed \$39,908.85 (Timothy Grimm 1/3/2018 COW 1/9/18 13/0) CS**

Ald. Wolff introduced the resolution regarding work planned on the east side for the College/Wilson watershed. A drainage study was initiated last summer to address localized street flooding, and this resolution addresses the engineering phase.

**Motion by Ald. Wolff, seconded by Ald. O'Brien, to approve the resolution as presented. Motion carried 12 yea/ 0 nay/ 2 absent.**

**13. APPROVAL: To Waive Formal Bid for Purchase of a Cardiac Monitor from Zole (Chf. Deicke 1/3/18 COW 1/9/18 13/0) CS**

Ald. Wolff introduced the item relating to the purchase of a second cardiac monitor for the Batavia Fire Department. It is replacing a unit that is more than 10 years old. The purchase is part of the National Purchasing Partners Group, which city staff feels is very cost-effective, but it is not on Illinois' Purchasing Law List, so formal bidding must be waived.

**Motion by Ald. Wolff, seconded by Ald. O'Brien, to approve the resolution as presented. Motion carried 12 yea/ 0 nay/ 2 absent.**

**14. RESOLUTION 18-07-R: Purchase a Zoll Cardiac Monitor not to exceed \$26,000 (Chf. Deicke 1/3/18 COW 1/9/18 13/0) CS**

**Motion by Ald. Wolff, seconded by Ald. Stark, to approve the resolution as presented. Motion carried 12 yea/ 0 nay/ 2 absent.**

**15. ORDINANCE 18-01: Amending Title 8 of the Batavia Municipal Code Relating to Electric Service Rates (Gary Holm 12/20/17 COW 1/9/18 13/0) PU**

Ald. O'Brien introduced the ordinance setting rates for the new electric car charging station the city has installed. The ordinance would set the rate at \$0.40 per kwh, which can be modified in the future by City Council action. The ordinance adds language to the current city code regarding this new service.

Ald. Cerone questioned whether the rate was high enough. He has researched average rates, and sees the range anywhere from \$0.39 to \$0.79, and he does not think the city should be coming in at the lowest end. He would like to see a faster return on investment, and thinks perhaps \$0.49 or \$0.59 would be better.

Ald. Uher wondered if the city started with a higher rate and the charging station is not getting use, it would be impossible to determine if the problem was the rate or the lack of demand.

Ald. Atac said that many charging stations are free, and as the owner of an electric car, she has never paid to charge her vehicle.

Ald. Salvati asked if, in setting the rate, Kane County was used for rate comparisons. Director Holm said yes. He also shared that one user of the charging station posted that while charging his car in Batavia, he spent 90 minutes at Limestone Café.

Ald. O'Brien said this service is new, and while the city doesn't want to go broke providing the service, he sees it as an economic engine for downtown. Director Holm said many stations in the area are free. Ald. Atac said more places are starting to charge money.

Ald. Cerone said he is just basing his opinion off of his own research. Director Holm said his initial recommendation of \$0.30 per kwh was based on the city's cost recovery assuming a certain level of use.

Ald. Chanzit suggested they let the market decide by offering a good price initially and seeing how the demand is.

Mayor Schielke reminded the City Council that nothing is free, and someone has to pay for the electricity being drawn.

Ald. Cerone said that the city is raising tax on fuel and losing revenue elsewhere in the city. He said if other places are free, perhaps it is OK to start at \$0.40 per kwh, but it is a convenience item, and people are willing to pay more for convenience.

Ald. Atac said not all charging stations are free, but if the city sets a high price, it could be a problem. She thinks setting a reasonable charge is fine.

Ald. O'Brien said that people will spend money at downtown establishments while charging their vehicle. He sees more demand for charging stations in the future, and thinks this is a good starting rate that can always be raised if it makes sense to do so.

**Motion by Ald. O'Brien, seconded by Ald. Atac, to approve the ordinance as presented. Motion carried 11 yea/ 1 nay/ 2 absent.**

**16. APPROVAL: Class D-1 Liquor License for Acquaviva Restaurant, 35 N. Water Street/ Vito Brandonisio (Chief Eul 1/12/18)**

Ald. Atac explained that the Batavia Police Department completed their review of the new Acquaviva Restaurant and recommend approval once they submit a copy of their signed lease agreement. Mayor Schielke noted that he is very excited to welcome this restaurant to the city, and added that Chief Eul and the Batavia Police Department have done a good job working with the current property owner to address the many problems on the property.

Restaurant owner Vito Brandonisio was present and thanked the City Council for the opportunity to join the Batavia community. He noted that his restaurant's roots go back to his grandfather, and he is proud to deliver a quality product centered around wine, dinner and family.

**Motion by Ald. Atac, seconded by Ald. Brown, to approve the license contingent on the receipt of a copy of the signed lease agreement. Motion carried 12 yea/ 0 nay/ 2 absent.**

**17. ADMINISTRATOR'S REPORT**

Administrator Newman said city staff has been hard at work assessing the impact of the unexpected closure of Sam's Club and looking at ways to trim the budget that will not negatively impact the city's ability to continue to operate effectively. She had a good discussion with department directors and feels she will be able to present a good plan at the Committee of the Whole meeting next week. The city is financially healthy but does not want to touch reserves. The good news is that an Aurora furniture store is opening a second location next to Target, and two new stores — Sierra Trading Company and The Dollar Tree — are opening next to Trader

Joe's soon. The three stores will not close the hole left by Sam's Club, but the activity supports the assertion that Batavia is a profitable destination for retailers.

The Economic Development Department has been sharing ideas regarding potential replacements for Sam's Club. It is a large space on the very valuable Randall Road corridor. Administrator Newman noted that by law, she can't share the exact sales tax generated by a private company, but Sam's also generates substantial property tax and liquor tax, and it is a large electricity consumer. All told, the estimated financial impact of the closing is roughly \$1 million.

Applications for two new developments have been received: Windmill Landings off of Hawks Drive, which is intended to be an age-restricted community; and Prairie Commons.

An open administrative position in Community Development has been filled by Chrissa Simkins from the Utilities Department. The city believes in hiring internally when possible.

The Communications Coordinator has provided key support with two recent events — the Post to Present skating event, and the Sam's Club closing. The city was able to get information out to the public very quickly.

The city has received compliments during the last few days for the great job done by Public Works to clear the snowy streets. For their safety and the safety of their neighbors, residents with fire hydrants in their parkway are asked to clear the hydrants of snow in case of emergency.

At the last City Council meeting, Joe Bertalmio spoke about the opioid crisis. Administrator Newman has since met with Batavia Public Schools superintendent Dr. Hichens and Mr. Bertalmio to learn more about the epidemic and discuss plans for an event focused on community education surrounding opioids. Mr. Bertalmio will gather a committee of community members to plan the event.

When changes to the ordinance regarding temporary signs were made in 2017, the City Council indicated a desire to revisit the process to see how staff felt it was going. Because of the demands on city staff currently, Administrator Newman requested that this review wait until October 2018, around the one-year mark.

Director of Human Resources Wendy Bednarek presented to the City Council on wellness activities in which the city engages to reduce medical expenses. She said all employees are encouraged to participate in biometric screening, which involves a blood test that can help employees understand their health risks and/or concerns. The information is confidential at the employee level. Last year's screening saved about \$2 in medical costs for every \$1 spent on the screening, resulting in approximately \$11,000 in cost avoidance. The department hopes to increase employee participation in 2018.

Ald. Uher asked if Sam's Club will be selling its facility. Administrator Newman responded that Chris Aiston has contacted Wal-Mart, and the company indicated its intention to sell. Mayor Schielke noted he was dumbfounded by this decision to close Sam's Club, and he hopes Wal-

Mart is serious when they say they want to help the city close this gap. He said the company has been slow to provide some answers, such as whether they will continue to operate the gas station. He hopes to hear plans soon, and he commended the city staff for their response.

Ald. Chanzit asked if it would be possible to subdivide the facility because it is so large. Administrator Newman said it would be.

Ald. Brown asked if Evergreen plans to submit anything new to the City Council regarding the Campana development prior to the February 5 vote. Community Development Director Scott Buening said he has only had brief talks with the developer and does not believe there will be new plans. He expects Evergreen will come to the February 5 meeting asking for a vote on the current proposal.

## **18. COMMITTEE REPORTS**

Ald. Brown reported that the Plan Commission meeting for tomorrow has been cancelled. Historic Preservation Committee will meet on January 22 at 5:30. The next Committee of the Whole meeting will be January 23 at 7:30 pm. At the COW will be discussion of vacating the public alley behind 321-337 E. Wilson Street and a presentation regarding the Flag Day memorial.

For Government Services, Ald. Atac reported that the COW would include discussion of non-sales tax producing businesses in the general commercial district.

For City Services, Ald. Wolff had nothing to report, but he reiterated the importance of clearing snow from around fire hydrants. He also asked residents to check street drains during the thaw and ensure they are clear of debris.

For Public Utilities, Ald. O'Brien saw the next COW would include an update on the wastewater treatment plan project.

## **19. OTHER BUSINESS**

Ald. Callahan noted that he talked to Joanne Spitz of CHIP-In today, and she inquired about the possibility of building a "Little Pantry," similar to the "Little Library" concept through which residents put out free books for passers-by to take/leave books. Ald. Callahan asked if there was anything prohibiting the concept in the City of Batavia. Director Buening said the city has not looked at that specifically, but there may be health concerns regarding the food and possible liability associated with it. Ald. Callahan said it would be for non-perishable food, but it does raise some questions. Ald. Atac said she also spoke with Ms. Spitz, who Ald. Atac said has done some further investigation and found there could be some legal concerns. Ald. Callahan said there are some municipalities that ban it outright or frown upon it.

Ald. O'Brien asked if the trash pickup would be pushed back a day because of the Martin Luther King Jr. holiday yesterday. Ald. Wolff said it was on the normal schedule, which is on the website. Ald. O'Brien also stressed the importance of residents shopping, dining and spending their money in Batavia in light of the Sam's Club closing.

## **20. MAYOR'S REPORT**

The Fireworks Committee met last week to begin working on the 2018 show. Mayor Schielke discussed his idea to host a volunteer night at City Hall that would feature a few key charitable organizations in Batavia that could benefit from more volunteers, such as the Fireworks Committee, ACCESS Toy Drive, Batavia Interfaith Food Pantry, CHIP-In and Flag Day Committee. His vision is for each organization to do a short presentation, and then people in attendance could sign up to volunteer. All of these organizations are good for Batavia and its traditions. The mayor encouraged everyone to invite people to attend this event, listen and volunteer.

## **21. ADJOURNMENT**

**Motion to adjourn by Ald. Brown, seconded by Ald. Salvati. Motion carried by voice vote.**  
The City Council meeting adjourned at 8:58 p.m.

*Minutes prepared and submitted by Ellen Posledni, City Clerk, January 17, 2018.*