

**MINUTES**  
**February 1, 2022**  
**Committee of the Whole – Hybrid Meeting**  
**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 Wolff called the meeting to order at 7:00pm.

**1. Roll Call**

**Members Present:** Chair Wolff; Ald. Miller (remote), Russotto (remote), Beck, Connelly (remote), Chanzit (remote), Solfa, Baerren (remote), Leman, Ajazi (remote), Malay (remote), Uher, Cerone, and Vogelsinger

**Members Absent:** None

**Also Present:** Mayor Schielke; Chief Eul, Batavia Police Department (remote); Gary Holm, Director of Public Works; Andrea Podraza, Senior Civil Engineer; Wendy Bednarek, Director of Human Resources; Scott Buening, Director of Community and Economic Development (remote); Joel Strassman, Planning and Zoning Officer (remote); Howard Chason, Director of Information Technology (remote); Rahat Bari, City Engineer (remote); Anthony Isom, Assistant to the City Administrator (remote); and Jennifer Austin-Smith, Recording Secretary (remote)

**2. Reminder: Please speak into the microphone for BATV recording**

**3. Items Removed/Added/Changed**

There were no items removed, added or changed.

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

There were no matters from the public

**5. Consent Agenda**

- a. **Approval: COW Executive Session Minutes October 19, 2021**
- b. **Resolution 22-019-R: Authorizing execution of a one-year renewable contract with W. A. Management, Inc. for 2022 East Side Property Maintenance (SH 1/25/22)**

**Motion:** To approve the Consent Agenda as presented

**Maker:** Chanzit

**Second:** Solfa

**Roll Call Vote:** **Aye:** Chanzit, Solfa, Wolff, Baerren, Leman, Ajazi, Malay, Uher, Cerone, Vogelsinger, Miller, Russotto, Beck, Connelly

**Nay:**  
14-0 Vote, 0 Absent, Motion carried.

*Ald. Beck exited the meeting at 7:05pm*

**6. Approval: Class D-1 (Restaurant- All Liquor) Liquor License Application for Mirus, LLC, Located at 15 E. Wilson Street, Batavia (DE 1/27/22) CS**

Russotto discussed the memo regarding the Class D-1 Liquor License for Mirus LLC. Chair Wolff stated that he is excited to get that building up and running again on River Street. There were no comments or questions from the applicant, public or Committee.

**Motion:** To approve the Class D-1 (Restaurant- All Liquor) Liquor License Application for Mirus, LLC, Located at 15 E. Wilson Street, Batavia

**Maker:** Russotto

**Second:** Uher

**Roll Call Vote:** **Aye:** Russotto, Connelly, Chanzit, Solfa, Wolff, Baerren, Leman, Ajazi, Malay, Uher, Cerone, Vogelsinger, Miller

**Nay:**  
13-0 Vote, 1 Absent, Motion carried.

**7. Approval: Class D-1 (Restaurant – All Liquor) Liquor License Application for Conde Corporation Db a Taco Grill and Salsa Bar, Located at 107 N. Batavia Avenue, Batavia (DE 1/27/22) CS**

Russotto discussed the memo regarding Class D-1 Liquor License for Conde Corporation. There were no comments or questions from the applicant, public or Committee.

**Motion:** To approve the Class D-1 (Restaurant – All Liquor) Liquor License Application for Conde Corporation Db a Taco Grill and Salsa Bar, Located at 107 N. Batavia Avenue, Batavia

**Maker:** Russotto

**Second:** Uher

**Roll Call Vote:** **Aye:** Russotto, Connelly, Chanzit, Solfa, Wolff, Baerren, Leman, Ajazi, Malay, Uher, Cerone, Vogelsinger, Miller

**Nay:**  
13-0 Vote, 1 Absent, Motion carried.

*Ald. Beck returned to the meeting at 7:10pm.*

**8. Ordinance 22-06: Proposing the Establishment of Special Service Area Number 67 Kirkland Chase Phase Three, Wind Energy Pass and Wagner Road (JLS 1/27/22) CD**

Strassman reported that this is for a backup Special Service Area (SSA) for Kirkland Chase Phase Three. Staff is proposing to establish the backup SSA as it was envisioned with the annexation agreement. Strassman shared the Homeowners Association informed him that the owners may object to forming a backup SSA but he did not receive feedback from individual owners except for the Association representative who is an owner. Strassman discussed the

process of creating a backup SSA with the Committee and noted the timeline included in his memo.

**Motion:** To recommend approval of Ordinance 22-06: Proposing the Establishment of Special Service Area Number 67 Kirkland Chase Phase Three, Wind Energy Pass and Wagner Road

**Maker:** Wolff

**Second:** Cerone

**Roll Call Vote:** **Aye:** Wolff, Baerren, Leman, Ajazi, Malay, Uher, Cerone, Vogelsinger, Miller, Russotto, Beck, Connelly, Chanzit, Solfa

**Nay:**

14-0 Vote, 0 Absent, Motion carried.

**9. Resolution 22-013-R: Authorizing Task Order #2 with V3 for Carriage Crest Alternatives Analysis & Final Engineering for an Amount Not-to-Exceed \$157,769.00 (AMP 1/20/22) CS**

Podraza discussed the memo with the Committee.

**Motion:** To recommend approval of Resolution 22-013-R: Authorizing Task Order #2 with V3 for Carriage Crest Alternatives Analysis & Final Engineering for an Amount Not-to-Exceed \$157,769.00

**Maker:** Beck

**Second:** Uher

**Roll Call Vote:** **Aye:** Beck, Connelly, Chanzit, Solfa, Wolff, Baerren, Leman, Ajazi, Malay, Uher, Cerone, Vogelsinger, Miller, Russotto

**Nay:**

14-0 Vote, 0 Absent, Motion carried.

**10. Resolution 22-014-R: Authorizing Execution of a Contract with V3 Construction Group, Ltd. for the Mahoney Creek Tributary Detention Construction in the Amount Not-to-Exceed \$765,930.00 (AMP 1/20/22) CS**

Podraza discussed the memo with the Committee. The Committee viewed the “Tree Removal Plan” photo. Holm and Podraza discussed the tree removal plan with the Committee. Solfa asked if, after the area is all replanted and the sound mitigation seems to be less, we could always revisit the bid to install a fence. Holm stated that it was the thought of staff that a fence could be considered if we needed to at some point in the future. Our guess is that it would be a lot cheaper than \$119,000. Solfa asked if any residents wanted to install their own fences there would not be a problem for receiving an application for permit. Holm stated that residents should be able to get an application for permit.

Podraza noted that this project and Carriage Crest are being funded by American Rescue Plan Act (ARPA) funds and she wants to make financially responsible decisions due to the limited funds. Leman asked for more vegetation on the berms. Chair Wolff stated that trees are much better than a fence, which requires more maintenance. He is in support of adding more trees if necessary. Baerren added that she does like using the natural landscape for this project. She is not sure she is in favor of putting in a fence due to long-term maintenance. She is in favor of

additional funds for additional landscaping in that area. Podraza stated that they could look into that. The Committee discussed the benefits of removing flooding issues.

Chair Wolff opened the floor for public comment. Zac Hoffman addressed the Committee. He shared when he moved in the adjacent land was privately owned and he did not know the City's intention to build a stormwater facility. He wants to partner with the City to make something nice. The City staff did take a long time and attention to the details with plantings native to the area, which is really important to him. He moved to Woodland Hills for the woods. This might be the last piece of woods in Woodland Hills. He understands the need for the project but he is very concerned with the road noise. There is no way to mitigate the road noise from his location due to the topography. The woods protect him from the road noise and he actively cleans the wooded area from trash.

Michael Choffin asked for clarification on the location. He added that they are significantly lower than the pavement elevation of Kirk Road. The woods have always been dense enough to provide a noise buffer in the neighborhood. The real concern is trying to maintain the property values in the neighborhood and we do not want any more excess noise.

Jeff Beckley addressed the Committee. He has the same concern about noise abatement. He has not seen anything factual on what the noise level is today. He is concerned that we won't be able to come to terms on whether or not the noise abatement is as good as it was if we don't have any baseline information or an assessment that has been done.

Holm stated that it ultimately comes down with the responsibility for noise mitigation. The City is ultimately not responsible for noise mitigation for Kirk Road. We are taking on the responsibility for stormwater because our residents are directly being impacted and he realizes that residents would be impacted by noise as well. The reason why we have not done any sound studies or have not explored an engineered sound barrier is because ultimately Kirk Road and sound mitigation from Kirk Road is the County's problem and we need to look at the total dollars that we have and stormwater was decided to be the priority. Newman noted that the trees planned are not there for beautification of the area, they are there for the purpose of providing a sound barrier. Holm continued that it came down to the overall project goals and the need to balance and prioritize goals. Stormwater was given highest priority and naturalization of the basis so we could mitigate stream bank stabilization and plant native plantings. We did not disregard sound or aesthetics. We put up a berm, proposed evergreen plants and tried to balance all the various factors. Staff tried to address everyone's concerns as best we could and still accomplish as many goals as we could.

Mayor Schielke stated that this is a project that our engineering department spent a lot of time and effort on and needs to be done. He would like to call this Phase One and when the current work gets done we could revisit the need for additional berm or trees. This water issue needs to be addressed. For the residents' benefit we should commit that we would be back after the first Phase One is done and see what more needs to be done. There were no objections voiced by the Committee members.

**Motion:** To recommend approval of Resolution 22-014-R: Authorizing Execution of a Contract with V3 Construction Group, Ltd. for the Mahoney Creek Tributary Detention Construction in the Amount Not-to-Exceed \$765,930.00

**Maker:** Russotto

**Second:** Cerone

**Roll Call Vote:** **Aye:** Russotto, Beck, Connelly, Chanzit, Solfa, Wolff, Baerren, Leman, Ajazi, Malay, Uher, Cerone, Vogelsinger, Miller

**Nay:**

14-0 Vote, 0 Absent, Motion carried.

**11. Resolution 22-015-R: Authorizing Execution of Task Order #9 with Baxter & Woodman for the Mahoney Creek Tributary Detention Construction Engineering Services in the Amount Not-to-Exceed \$57,300.00 (AMP 1/20/22)**

**Motion:** To recommend approval of Resolution 22-015-R: Authorizing Execution of Task Order #9 with Baxter & Woodman for the Mahoney Creek Tributary Detention Construction Engineering Services in the Amount Not-to-Exceed \$57,300.00

**Maker:** Russotto

**Second:** Cerone

**Roll Call Vote:** **Aye:** Russotto, Beck, Connelly, Chanzit, Solfa, Wolff, Baerren, Leman, Ajazi, Malay, Uher, Cerone, Vogelsinger, Miller

**Nay:**

14-0 Vote, 0 Absent, Motion carried.

**12. Resolution 22-016-R: Authorizing Execution Task Order #8 with Baxter & Woodman, Inc. for the GIS/GPS Stormwater Utility Field Data Collection in the Amount Not-to-Exceed \$49,632.00 (AMP 1/20/22) CS**

**Motion:** To recommend approval of Resolution 22-016-R: Authorizing Execution Task Order #8 with Baxter & Woodman, Inc. for the GIS/GPS Stormwater Utility Field Data Collection in the Amount Not-to-Exceed \$49,632.00

**Maker:** Cerone

**Second:** Solfa

**Roll Call Vote:** **Aye:** Cerone, Vogelsinger, Miller, Russotto, Beck, Connelly, Chanzit, Solfa, Wolff, Baerren, Leman, Ajazi, Malay, Uher

**Nay:**

14-0 Vote, 0 Absent, Motion carried.

**13. Resolution 22-017-R: Authorizing Execution of a Contract with Encap, Inc. for the 2022 Annual Maintenance of Naturalized Drainage Areas in the Amount Not-to-Exceed \$67,040.00 (AMP 1/20/22) CS**

**Motion:** To recommend approval of Resolution 22-017-R: Authorizing Execution of a Contract with Encap, Inc. for the 2022 Annual Maintenance of Naturalized Drainage Areas in the Amount Not-to-Exceed \$67,040.00

**Maker:** Russotto

**Second:** Cerone

**Roll Call Vote:** **Aye:** Russotto, Beck, Connelly, Chanzit, Solfa, Wolff, Baerren, Leman, Ajazi, Malay, Uher, Cerone, Vogelsinger, Miller

**Nay:**

14-0 Vote, 0 Absent, Motion carried.

**14. Resolution 22-018-R: Authorizing a Master Services Agreement with H.W. Lochner, Inc. to Provide Structural Engineering Services (TFG 1/26/2022) CS**

**Motion:** To recommend approval of Resolution 22-018-R: Authorizing a Master Services Agreement with H.W. Lochner, Inc. to Provide Structural Engineering Services

**Maker:** Solfa

**Second:** Uher

**Roll Call Vote:** **Aye:** Solfa, Wolff, Baerren, Leman, Ajazi, Malay, Uher, Cerone, Vogelsinger, Miller, Russotto, Beck, Connelly, Chanzit

**Nay:**

14-0 Vote, 0 Absent, Motion carried.

**15. Resolution 22-021-R: Approving an Amendment to the Pole Attachment Agreement with ComEd to Reduce the Annual Fee for Each Power Supply Attached to ComEd Owned Poles (RB 1/28/22) PU**

Cerone discussed the memo for the resolution with the Committee.

**Motion:** To recommend approval of Resolution 22-021-R: Approving an Amendment to the Pole Attachment Agreement with ComEd to Reduce the Annual Fee for Each Power Supply Attached to ComEd Owned Poles

**Maker:** Cerone

**Second:** Uher

**Roll Call Vote:** **Aye:** Cerone, Vogelsinger, Miller, Russotto, Beck, Connelly, Chanzit, Solfa, Wolff, Baerren, Leman, Ajazi, Malay, Uher

**Nay:**

14-0 Vote, 0 Absent, Motion carried.

**16. Discussion: Customer Self-Generation and Net Billing DRAFT Policy (GH 1/28/22)**

Holm presented a PowerPoint titled "Net Billing Concepts" for the Committee. He commented that he sent a memo to the Committee regarding the net billing policy and self-generation, which has come out of the Clean Energy Jobs Act (CEJA) legislation. Holm noted that he would like this discussion to be more of a workshop session because there is a lot of background information to cover. The presentation included the following information:

- Background and Information
- Basic Electrical Configuration
  - Importing
  - Exporting
  - Capacity
- Net Metering

- Fair Renewable Generation Credit

Bob Flora addressed the Committee. He stated that he is here to represent the solar customers. He asked about calculating the Fair Renewable Generation Credit. Holm answered they are going to develop an annualized cost and discussed the Northern Illinois Municipal Power Agency (NIMPA), sell back cost to wholesale market place, net billing, credits, composite billing, carry-over balances, fair credit, and the consideration of a policy decision (net metering vs. net billing). Newman noted that our utility department needs to do the calculations for net metering but would not have to do those calculations if we change to net billing.

Holm stated he would bring this discussion back to a future COW meeting.

### **17. Project Status**

Newman reported on the following:

- Retirement of Byron Ritchason, Wastewater Division Superintendent, and Fire Chief Randy Deicke
- New officer on the Batavia Police Department to be sworn in on the February 7<sup>th</sup> City Council meeting
- Plan Commission meeting for February 2<sup>nd</sup> is cancelled but will be meeting on February 16<sup>th</sup>
- Avenue Marketplace Development is nearing completion
- Casey's Gas and Convenience Store revised plans are under review
- Metering Crews have completed the change out of all residential meters; Commercial and Industrial Customer Meters will be upgraded over the next two to three years

### **18. Other**

None.

### **19. Executive Session:**

- a. Setting the Price of Land for Sale (SCB)**
- b. Personnel**

**Motion:** To enter into Executive Session for the purpose of setting the price of land for sale and personnel

**Maker:** Uher

**Second:** Cerone

**Roll Call Vote:** **Aye:** Uher, Cerone, Vogelsinger, Miller, Russotto, Beck, Connelly, Chanzit, Solfa, Wolff, Baerren, Leman, Ajazi, Malay

**Nay:**

14-0 Vote, 0 Absent, Motion carried.

The Committee of the Whole entered Executive Session at 9:40pm and exited at 12:12am.

**20. Adjournment**

There being no other business to discuss, Chair Wolff asked for a motion to adjourn the meeting at 12:12am; Made by Cerone; Seconded by Baerren. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith, Recording Secretary