

**CITY OF BATAVIA
CITY COUNCIL
Meeting Minutes
February 6, 2017**

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 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.

1. **CITY COUNCIL MEETING CALLED TO ORDER** by Mayor at 7:30 p.m.
2. **INVOCATION FOLLOWED BY PLEDGE OF ALLEGIANCE** led by Ald. Cerone.
3. **ROLL CALL:** 11 of 14 Aldermen were present

Members Present: By Ward: Michael O'Brien (1), Scott Salvati (1); Martin Callahan (2), Alan Wolff (2); Dan Chanzit (3), Elliot Meitzler (3); Susan Stark (4); Kevin Botterman (5); Michael Russotto (6), Nicholas Cerone (6); & Drew McFadden (7)

Members Absent: By Ward: Paula Mueller (4), Lucy Thelin Atac (5) & Dave Brown (7)

Others Present: Laura Newman, City Administrator; Attorney Roman Seckel, Drendel & Jansons Law Group; Gary Holm, Director of Public Works; Scott Buening, Director of Community Development; Peggy Colby, Finance Director; and Cheryl Shimp, Recording Secretary

Also present were BATV, members of press and public.

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

None.

5. **APPOINTMENT: Probationary Full-Time Firefighter/Paramedic Joshua Loynachan**

The Board of Fire and Police Commissioners recently appointed Joshua Loynachan to the position of Probationary Full-Time Firefighter/Paramedic with the Batavia Fire Department on January 24, 2017. Deputy Chief Ed Jancauskas gave a history of Loynachan and conducted the Firefighter Pinning Ceremony. Mayor Schielke gave the Oath of Office.

6. **CONSENT AGENDA**

ACCEPT AND PLACE ON FILE

- A. Plan Commission Minutes from October 19, November 28 and December 7, 2016 and January 4, 2017.
- B. Historic Preservation Commission Minutes from January 9, 2017
- C. September, October, November & December, 2016 Financials.

APPROVALS

- D. January 27, 2017 Payroll in the amount of \$839,021.05
- E. Accounts Payable Check Register in the amount of \$3,921,806.26
- F. **RESOLUTION 17-07-R:** Authorization to purchase three (3) 2017 Ford F250 Trucks from Landmark Ford, Inc. for \$97,529.00 (Scott Haines 1/11/17 COW 1/24/17 13/0) CS
- G. **RESOLUTION 17-12-R:** Approving a Plat of Consolidation for Lots 87/88 of Batavia Business Park (DMR 1/19/17 COW 1/24/17 13/0) CD
- H. **ORDINANCE 17-13:** Declaring Surplus Property (Scott Haines 1/11/17 COW 1/24/17 13/0) CS
- I. **RESOLUTION 17-15-R:** Tax Abatement (Liz Perez 1/23/17 COW 1/31/17 11/0/3)
- J. **RESOLUTION 17-16-R:** Tax Abatement (Liz Perez 1/23/17 COW 1/31/17 11/0/3)
- K. **RESOLUTION 17-17-R:** Tax Abatement (Liz Perez 1/23/17 COW 1/31/17 11/0/3)

Motion: To approve the Consent Agenda as presented.

Maker: McFadden

Second: Stark

Roll Call: O'Brien – Aye, Salvati – Aye, Callahan – Aye, Wolff – Aye, Chanzit – Aye, Meitzler – Aye, Stark – Aye, Botterman – Aye, Russotto – Aye, Cerone – Aye, McFadden – Aye. 11 Ayes, 0 Nays, 3 Absent. All in favor. Motion carried.

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

Joe Essling – The Batavia Brotherhood Banquet will be held on Tuesday, February 21, 2017 beginning at 6:30 p.m. at Bethany Lutheran Church. Guest speaker will be Ken Ramsey from Holy Cross Church. Tickets are available at the church or by contacting Joe Essling.

Silvia Keppel – Requested the Closed Session minutes from the property purchases of the Frydendall, Fisher and Larson-Becker properties. Understands that these minutes are not released until approved by City Council. The City Council, however, is behind in bi-annual release/review of closed session minutes. Requested that these minutes be released at the next City Council meeting. Would like to see them before the City Council makes any more decisions and/or determinations having to do with the Shodeen development. She would like to request, again, a referendum on the Shodeen project. There are no longer any public meetings and there is still a lot of talk around town on who is for and who is against. Believes it is worth asking the citizens. Too late for a referendum this spring but it could be put off until next spring. This is not an unreasonable request as there are \$14M in bonds involved. Other Shodeen projects have taken upwards of 7 years to pass Council so postponing this issue one more year to ask the community what they think would be a good idea. If this is not accomplished, it is like home-rule, it takes away a citizen's voice in government. Ald. Callahan recently requested a referendum on Video Gaming and this was not taken seriously. The citizens would really like to have a say, especially since the community is so divided on this issue. Please consider putting the Shodeen project to referendum and giving the citizens a voice.

Gen Kroner – Read the following statement into record: A number of citizens of Batavia recently exercised the right to petition to get a referendum question on the ballot. As a result of this action, citizens were publicly criticized for being very irresponsible and questions were raised about why home-rule should be challenged at all. I would like to briefly address these criticisms point-by-point. (See Addendum A for the entire statement)

8. CHAMBER OF COMMERCE

Holly Deitchman reported that the Women in Business Luncheon is Tuesday, February 14 at the Lincoln Inn from 11:30 a.m. to 1 p.m. Speaker is Joe Abraham – Entrepreneurial DNA. On Wednesday, February 15, a free and open networking event. This networking event is on behalf of the Batavia Food Pantry. Cost is \$10 or a bag of groceries. This will be held at Bar Evolution from 5 to 7 p.m. Thanked everyone for their help reference the 2017 Inspire Awards.

Wendy Di Benedetto, Gaetano's Batavia – Gaetano's was opened in August 2014. They started with the Farmer's Market offering their traditional style of Italian cuisine. The restaurant space was utilized in the winter for the Farmer's Market. Participation in the Farmer's Market was very successful. Over the years, customers have been asking for more and more of their products. They recently purchased more space and as a result, they now have the opportunity to convert their lower dining area into a specialty market as well as the second floor into a lounge/bar area. The lounge is called G. The market will be open Tuesday thru Saturday from 10 a.m. to 6 p.m. and is called the Market at Gaetano's. Requests included sauces, pastas, dinners to go, fresh fish, spreads, salami, etc., a fresh lunch will also be available. This market is reminiscent of an old fashion Italian Deli. There is a separate entrance on River Street. Wendy noted that 74% of their employees are from the Batavia area and the Market will create 2 more full-time positions as well as 2 part-time positions. Hoping to open the Market by the end of the month. Thanked all their customers, the City of Batavia, Batavia Mainstreet, Batavia Chamber of Commerce and the Kane County Health Department for all of their support and guidance.

Wade Thompson – Wade's World of Woodworking. In 2015, he decided to change careers and open Wade's World of Woodworking at 951 West Wilson Street. Their main focus is cedar and Adirondack outdoor furniture. In the winter months, they do refinishing, cabinetry, bookshelves, etc. They sell their furniture in Indiana, Wisconsin, Minnesota, Nebraska and throughout the Chicagoland area. They sell their products at festivals as well as their Wilson Street location. Hours of operation are 8:00 a.m. to 4:00 p.m. Wade Thompson is the sole employee. They also have a website.

9. RESOLUTION 17-05-R: Approving A Variation From The Subdivision Regulations Regarding Sidewalks, 1327 Goldenrod Drive, Thomas and Deborah Doyle, Owners/Applicants (JLS 1/25/17 COW 1/24/17) CD

The Doyles are building a house at 1327 Goldenrod Drive. Pursuant to the City's sidewalk regulations, they are to install a sidewalk because it is within 200 ft. of an existing sidewalk. There are no other sidewalks on this block or across the street. A variance was granted to not install a sidewalk and the fees were waived.

Motion: To Approve Resolution 17-05-R: Approving A Variation From the Subdivision Regulations Regarding Sidewalks, 1327 Goldenrod Drive, Thomas and Deborah Doyle, Owners/Applicants.

Maker: Stark

Second: O'Brien

Roll Call: O'Brien – Aye, Salvati – Aye, Callahan – Aye, Wolff – Nay, Chanzit – Aye, Meitzler – Aye, Stark – Aye, Botterman – Aye, Russotto – Aye, Cerone – Aye, McFadden – Aye. 10 Ayes, 1 Nays (Wolff), 3 Absent. Motion carried.

10. RESOLUTION 17-08-R: Authorizing Execution of Task Order #8 With WBK Engineering LLC for Area 3 Final Engineering (AMP 1/18/17 COW 1/24/17 13/0) CS

Wolff stated this is part of the on-going separation of the City's combined sewer and storm water problems. Area 3 is located on the west side. This authorization is the next step in planning and engineering in order to determine funding.

Motion: To Approve Resolution 17-08-R: Authorizing Execution of Task Order #8 for Area #3 Storm Separation Phase 2 Final Engineering With WBK Engineering LLC for an amount not to exceed \$89,731.22.

Maker: Wolff

Second: Meitzler

Roll Call: O'Brien – Aye, Salvati – Aye, Callahan – Aye, Wolff – Aye, Chanzit – Aye, Meitzler – Aye, Stark – Aye, Botterman – Aye, Russotto – Aye, Cerone – Aye, McFadden – Aye. 11 Ayes, 0 Nays, 3 Absent. All in favor. Motion carried.

11. RESOLUTION 17-09-R: Authorizing Execution of Task Order #9 with WBK Engineering LLC for Ward 1 Final Engineering (AMP 1/19/17 COW 1/24/17 13/0) CS

Wolff stated this is basically the same as the resolution just approved except it is for the east side in Ward 1 to work on 59% of the main line sewer pipes in this area. They have been undersized and are experiencing out-flow problems. Phase 2 engineering in Ward 1.

Motion: To Approve Resolution 17-09-R: Authorizing Execution of Task Order #9 in Ward 1 for Phase 2 Engineering with WBK Engineering LLC for an amount not to exceed \$66,397.41.

Maker: Wolff

Second: Salvati

O'Brien voiced concerns that the City isn't doing enough planning for the future. Believes that the future is going to bring a lot more water and flooding throughout the community and the City is only planning for a 10-year storm. Would like City Engineering to plan beyond a 10-year storm.

Roll Call: O'Brien – Aye, Salvati – Aye, Callahan – Aye, Wolff – Aye, Chanzit – Aye, Meitzler – Aye, Stark – Aye, Botterman – Aye, Russotto – Aye, Cerone – Aye, McFadden – Aye. 11 Ayes, 0 Nays, 3 Absent. All in favor. Motion carried.

12. ORDINANCE 17-04: Adopting the 2017 Prevailing Wages (AMP 1/19/17 COW 1/24/17 12/0) GS

McFadden stated that the City must adopt the 2017 Prevailing Wage Act, whether or not the City wants to. The State of Illinois has enacted these wages for workers employed in any public works by state, county, city and public body or any political subdivision by anyone under contract for

public works. This was originally approved in June 1941. This Act requires the City of Batavia to investigate and ascertain the prevailing rate wages as defined in said Act. The City of Batavia has investigated and ascertained the latest Kane County Prevailing Wage and it has not been updated since July 2015.

Motion: To Approve Ordinance 17-04: Adopting the 2017 Prevailing Wage
Maker: McFadden
Second: Stark

O'Brien stated that he does support this prevailing wage. Firmly believes that everyone has a standard of pay that has been determined by the unions. Believes the unions keep America strong. When you pay people a fair wage, they have a disposable income, which is good for the City. Will always support the unions. Prior to unions, people did not live well. There is a strong middle class because of the unions.

Wolff stated that he votes against this and has for years. Biggest problem with it is the inconsistency in wages. One employee can be making \$32/hour and another, doing the same job, would be making \$44/hour because of this Act. Believes the City wastes tax payers' money by spending too much money on labor when the City is forced to do it because of the Prevailing Wage Act. Has no problem paying someone for a job, but when it is being done disproportionately and pay too much for it, this is a problem. There have been projects that were turned down because when the Prevailing Wage Act is considered, the applicant loses money and even grant money cannot make up the difference.

Schielke report that this issue is debated every year. In the opinion of the City Attorney, if the City does not adopt this Prevailing Wage, there are constraints built into state law that would be unfavorable to the City. Based on these facts, the City has always adopted the Prevailing Wage.

Roll Call: O'Brien – Aye, Salvati – Aye, Callahan – Aye, Wolff – Nay, Chanzit – Aye, Meitzler – Aye, Stark – Aye, Botterman – Aye, Russotto – Aye, Cerone – Aye, McFadden – Aye. 10 Ayes, 1 Nays (Wolff), 3 Absent. Motion carried.

13. RESOLUTION 17-10-R: WWTP Phase 1 Rehabilitation Notice of Intent to Award Bid (Byron Ritchason 1/19/17 COW 1/24/17 12/0) PU

O'Brien stated this is a notice of intent to award the bid to Williams Brothers Construction. It is contingent upon approval of the contractor's bid package and execution of a loan agreement with the IEPA. The City must issue a notice of intent to award to Williams Brothers while the EPA performs a review of the bid package. A separate notice of award will be issued after a loan agreement is executed with the IEPA.

Motion: To Approve Resolution 17-10-R: Notice of Intent to Award Bid to Williams Brothers Construction.
Maker: O'Brien
Second: McFadden

Roll Call: O'Brien – Aye, Salvati – Aye, Callahan – Aye, Wolff – Aye, Chanzit – Aye, Meitzler – Aye, Stark – Aye, Botterman – Aye, Russotto – Aye, Cerone – Aye, McFadden – Aye. 11 Ayes, 0 Nays, 3 Absent. All in favor. Motion carried.

14. RESOLUTION 17-11-R: WWTP Phase 1 Rehabilitation Recommendation to Award Bid (Byron Ritchason 1/19/17 COW 1/24/17 12/0) PU

O'Brien stated this resolution is a follow-up of the public hearing, which was held on 12/13/2016. Williams Brothers Construction was the bid winner in the amount of \$26,160,000, contingent upon approval of the IEPA and execution of a loan agreement for the project. Resolution 17-11-R is not the actual agreement. It is simply a document required by the IEPA to proceed with a low-interest loan process. The agreement or contract will come before the Council in the near future.

Motion: To Approve Resolution 17-11-R: Awarding Phase 1 WWTP Rehabilitation Project to Williams Brothers Construction in an amount not to exceed \$26,160,000.

Maker: O'Brien

Second: Botterman

Roll Call: O'Brien – Aye, Salvati – Aye, Callahan – Aye, Wolff – Aye, Chanzit – Aye, Meitzler – Aye, Stark – Aye, Botterman – Aye, Russotto – Aye, Cerone – Aye, McFadden – Aye. 11 Ayes, 0 Nays, 3 Absent. All in favor. Motion carried.

15. ADMINISTRATOR'S REPORT

Newman took a tour of the Batavia Public Library with the library's director, George Scheetz. It is reported that over 850 people visit the library on a daily basis. It is not only a beautiful piece of architecture in the downtown area, it has a vast amount of resources both of written material as well as the people who work at the library. They provide free use of computers as well as advising residents on the use of their personal electronic devices. There are also numerous historical documents and materials. This history includes a lot of ancestry research for residents of Batavia. Mr. Scheetz has invited the heads of the City of Batavia, the Batavia Public Schools, the Batavia Park District, the Batavia Chamber and Batavia Mainstreet to begin monthly meetings in order to coordinate happenings.

Three (3) police officers received life-saving award commendations; Officer Rich Hall, Officer Jamie Goschey and Officer William Thrun. They received this life-saving award for their efforts to revive and unconscious and unresponsive male who was later determined to be overdosing from both cocaine and heroin. Although the first 2 doses of Narcan that Officers Goschey and Hall administered did not revive the subject, they and later arriving Officer Thrun, continued chest compressions and rescue breathing until medics arrived. Prior to arriving at Delnor, the victim was responsive and breathing. We commend them for their actions. It is commendable that Batavia's police department is so immediately responsive and they have the tools and training to assist in these situations.

CMT Group – the engineer for the Prairie Street Reconstruction Project with have surveyors on site for the next couple weeks. They will be painting control symbols on Prairie Street. Information is available on the City's website at www.cityofbatavia.net/677/Prairie-Street-Reconstruction. Letters have been sent to the residents in the affected area.

16. COMMITTEE REPORTS

Community Development – Ald. Stark – Several items for the COW 02/07/2017 meeting to include: Providing the Zoning Code for RV Parking; Ordinances 17-14 & 17-15 Amending the Zoning Map for the Building Height Overlay District and Planned Development for the One Washington Place Development. Stark will be running the meeting. Comments from the audience will be limited to 3 minutes per person. Individuals will only be allowed to speak once.

City Services – Ald. Wolff – Only item for COW meeting is the purchase of servers.

Administrative Services – Ald. McFadden – Purchase of police department vehicles.

Public Utilities – Ald. O’Brien – Purchase of water meters.

17. OTHER BUSINESS FROM THE COUNCIL

None.

18. MAYOR’S REPORT

The Blue Goose and Batavia Enterprises were unable to reach an agreement. Mayor Schielke met with the owner of Blue Goose and feels they are still very interested with siting a store in Batavia. Would like to be located somewhere in the downtown area, if possible.

Mayor Schielke had a brief discussion with Randy Blankenhorn, State Transportation Secretary, reference all the projects Batavia is receiving. Projects include: Resurfacing Route 31 from Main Street in Batavia to Maple Avenue in North Aurora; Resurface Route 25 from North Avenue in St. Charles down to Spring Street in Aurora. This is a multi-year project; Traffic Signal to be installed at the intersection of Raddant Road and Butterfield in Aurora; and Traffic Signal at Main Street and Route 47 in Elburn. As funding becomes available, these projects will move forward.

Mayor Schielke met with a resident who recently visited Plaines Georgia. Jimmy Carter’s farm in Plaines was bought by the Federal Government and converted into a national park. On this farm is a windmill that says made in Batavia, Illinois by Challenge Windmill Company. A picture will be retained for the Historical Society.

Reel Pro Video transferred video to digital media from Batavia’s 150-year anniversary in which Police Officers Popeck, Anderson and Mair took pictures of Batavia for an entire year. This video was put to music and is now available through the Batavia Public Library YouTube offerings. There is a lot of historical data in this media as well as aerial shots of the schools and students spelling out the names of the schools. Something fun to look at.

19. CLOSED SESSION

Motion: To enter into Closed Session to Discussion Personnel Matters
Maker: O'Brien
Second: Stark
Roll Call: O'Brien – Aye, Salvati – Aye, Callahan – Aye, Wolff – Aye, Chanzit – Aye, Meitzler – Aye, Stark – Aye, Botterman – Aye, Russotto – Aye, Cerone – Aye, McFadden – Aye. 11 Ayes, 0 Nays, 3 Absent. All in favor. Motion carried.

City Council entered into Closed Session at 8:40 p.m.

Motion: To return to Open Session
Maker: Stark
Second: O'Brien
Roll Call: O'Brien – Aye, Salvati – Aye, Callahan – Aye, Wolff – Aye, Chanzit – Aye, Meitzler – Aye, Stark – Aye, Botterman – Aye, Russotto – Aye, Cerone – Aye, McFadden – Aye. 11 Ayes, 0 Nays, 3 Absent. All in favor. Motion carried.

City Council returned to Open Session at 8:52 p.m.

20. ADJOURNMENT

There being no further business to discuss, Motion by Stark to adjourn the meeting. Seconded by O'Brien. Voice Vote. All in favor. Motion carried.

11 Ayes 0 Nays 3 Absent

The meeting was adjourned at 8:53 p.m.

Respectfully submitted by Cheryl A. Shimp, Recording Secretary.