

**CITY OF BATAVIA
COMMITTEE OF THE WHOLE
MEETING MINUTES
FEBRUARY 13, 2018**

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 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.

Ald. Wolff called the meeting to order at 7:30 p.m.

1. ROLL CALL 11 of 14 Members Present.

Members Present: Ald. Atac, Callahan, Cerone, Chanzit, Malay, Meitzler, McFadden, Russotto, Salvati, Uher, Wolff

Members Absent: Chair Brown; Ald. O'Brien, Stark

Others Present: Mayor Schielke (8:04 p.m.); Laura Newman, City Administrator; Gary Holm, Director of Public Works; Daniel Eul, Police Chief; Jeff Albertson, Building Commissioner; Peggy Colby, Finance Director; Scott Buening, Community Development Director; Chris Cutworth, Communications; and Cheryl Shimp, Recording Secretary

2. APPROVE MINUTES

Motion: To approve the minutes of the January 23, 2018 meeting as presented.

Maker: Salvati

Second: Meitzler

Voice Vote: 11 Ayes, 0 Nays, 3 Absent. All in favor. Motion carried. **(CONSENT AGENDA)**

3. ITEMS REMOVED/ADDED/CHANGED

Move Item 13 and Item 14 to Item 5 and Item 6.

Motion: To move Items 13 & 14 to Items 5 & 6

Maker: Chanzit

Second: Cerone

Voice Vote: 11 Ayes, 0 Nays, 3 Absent. All in favor. Motion carried. **(CONSENT AGENDA)**

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

Joanne Spitz – Thanked everyone for their work. Co-Chair of CHIP IN BATAVIA. Collecting items for prom to include dresses, accessories and tuxes. Currently collecting monetary donations and items until March 16, 2018. The Batavia Public Library will host the Prom Dress Giveaway on March 17, 2018. The goal is to make sure that everyone who needs and wants a dress may get one.

Bulldogs will again be available for purchase. There will be 29 bulldogs that will be on the streets in June. Auction to be held on September 15, 2018.

13. WWTP PLANT MONTHLY UPDATE (PU)

The main building is progressing well. The cold weather has slowed down some of the progress. The corner building is up to temperature and the contractors are finishing up some their work here. Starting work on the south end of the site. Almost complete with the underground pipes. The current cost is just under \$8.8M. Estimated progress is 46%. The next schedule of updates has been received. Change Orders are at 1%. Contractor was 28 days behind schedule. Meetings with contractor to talk about ways to compress the schedule and determine more efficient ways of stacking activities. Stacking activities has brought the project to within 10 days behind schedule. Project photos were presented. While digging foundations, the contractor found areas where previous buildings were buried. This debris was removed and will be added in as a change order.

Wolff inquired as to when the plant will be covered again. Contractor is working with City to put together some temporary odor control systems. Systems should be in place by the next update.

14. RESOLUTION 18-27-R: CHANGE ORDER #4 WITH WILLIAMS BROTHERS CONSTRUCTION, INC. (PU)

Change Order #4 includes several unforeseen conditions. These included items that were excavated out, items that were discovered out of place or in the wrong place, or items/issue that the contractor simply did not know was there. Some of the big-ticket items were areas that the contractor had to pipe around, pipes were where they were not supposed to be, etc. Grand total for Change Order #4 is \$54,578.00. Total change orders thus far are approximately 1% of the total cost of the project. The project has \$200,000 in allowances to cover additional and unforeseen issues.

Motion: To recommend approval to City Council Resolution 18-27-R: Change Order #4 With Williams Brothers Construction, Inc.

Maker: Uher

Second: Salvati

Voice Vote: 11 Ayes, 0 Nays, 3 Absent. All in favor. Motion carried. **(REGULAR AGENDA)**

5. ORDINANCE 18-13: VACATION OF A PUBLIC ALLEY BEHIND 321-337 E WILSON STREET (CD)

Buening stated this ordinance came out of the Batavia Park District improvements to the East Side Community Center. There is a public alley located along the south end of their parking lot behind the homes and businesses along East Wilson Street. The Park District has been maintaining this alley for years. As part of the reconfiguration of the parking lot, the Park District has asked the City to vacate this alley to incorporate it in their development plans. It would continue to be used as part of their parking lot and driveways. The Park District has agreed to allow for continued access to the adjacent properties along Wilson Street. The resident on the far western end of this alley has 2 garages that encroach into the alley

already by 8 feet. The Park District has agreed to allow that 8 feet of this alley to be vacated to this property owner, so the owner may have their garage structure legal. The property owner is planning for reconstruction and reconfiguring of this area. This is a Downtown Mixed-Use area. There is a utility line that does cross one of these garage structures. Any modifications would require re-location and burying of this line.

The property owner is requesting an additional 5 feet (13 feet total) to reconfigure these structures and alter the facing, turning the doors inside. This reconfiguration will gain 4 parking spots on the site, which are currently being utilized on Wilson Street. Cerone recommended that if the City vacates this area, to vacate an additional 5 feet for the property owner. Staff has discussed this issue with the Park District. The Park District is concerned and feels that the additional 5 feet is going to cause a geometric issue with the parking lot. The Park District has already utilized this space in their reconfiguration of their parking lot. Vacating this additional 5 feet to the property owner will cause the Park District to reconfigure their parking lot again, as well as some drainage issues. The property owner is looking to only obtain the area currently being used as the garage apron. The property owner would like to move the structures out a couple feet and then install a fence across the back of the property. Cerone feels that the City should at least investigate this issue as a property owner is looking to provide some economic development in the area before the entire area is turned over to the Park District. Discussion continued about access to the garages, trucks loading and unloading, freeing up 4 spaces from Wilson Street, drainage issues, loss of parking spaces for the Park District, Park District not in attendance at the meeting this evening, lane size, providing 2 lanes of traffic, size and alignment of the concrete apron, economic development, turning radius (a minimum of 20 feet is needed), etc.

Darren Enger, property owner, this additional 5 feet will give them a total of 36 feet in length. The idea is to create 4 parking spaces (tandem). This will give them a total of 6 parking spaces on their property. It was noted that the garage will not go to the edge of the property line. There would, however, be a fence on the edge of the property line to create a patio in this area. Currently the property is being used by an insurance agency. Looking to upgrade this building to something more on the line of a coffee house, tap room, spice house, place of destination, etc. Would like to be able to use the space more throughout the day. The 5 feet would take their vehicles off the street so that if it becomes a place of destination, access is easy and parking is available. The garage structures are beyond repair and need to come down. The roof-line of the building is also in need of repair. Would like to attach the garages to the current building and reconfigure the roof-line. Estimated cost for reconstruction/remodeling is around \$200,000. Property owner did have discussions with Park District. Park District indicated that the additional 5 feet would cause them to reconfigure their current plans. Enger stated that a minimum of 20 feet is needed for the turning radius, which is currently what exists outside of the concrete apron. Only looking for the area of the existing concrete apron. Discussion on changing the ordinance, changing the plat, specifically dedicating property, requirement for an alleyway, vacating the 5 feet to the property owner making the turning radius 19 feet, having the Park District reconfigure the alley, tandem spaces not being legal parking spaces, etc. As the Park District is not present this evening, it was recommended to table the issue for another 2 weeks so that they may be present. Staff was directed to make a determination on what the minimum turning radius must be and determination on location of the islands with the proposed 8 feet as well as the additional 5 feet (13 feet).

Motion: To table this issue for another 2 weeks
Maker: Cerone
Second: Callahan
Voice Vote: 11 Ayes, 0 Nays, 3 Absent. All in favor. Motion carried.

6. DISCUSSION: MCKEE STREET PEDESTRIAN CROSSING (CS)

Holm stated that one of the rapid flashing beacon at the McKee Street Pedestrian Crossing was destroyed by a vehicle, which, subsequently, ended its life. A few weeks prior to this, the FHA (Federal Highway Administration) sent notice out that these devices could no longer be reinstalled if they reach the end of their useful life. The City is going to have to remove the remaining beacon and this intersection will no longer have flashing devices. Basic crosswalk signage will be installed. No funds are available for any other options.

Wolff inquired if a device could be removed from another location and installed here. This is the most used pedestrian crossing and in a location, that needs to be visible. Holm stated that although the City does have additional devices, the FHWA is no longer allowing any of these devices to be installed anywhere. The FHWA has stated that once a device has reached the end of its useful life, it cannot be re-erected. Discussion on what should be considered the end of its useful life, that because it was destroyed that should not be considered the end of its useful life, spare devices are available, discussing options with City Attorney, the FHWA suggestion that these devices not be repaired, repaired versus destruction, remaining liability of the existing devices, pilot program with these devices, planning for its useful life includes spare devices, etc. The FHWA has concluded that these devices do not improve safety at intersections and therefore, should be discontinued. No new installations will be allowed, and remaining devices are permitted to remain, but upgrades and replacements will not be allowed. As they end the time of their useful life, they will be removed. Recommendation that a standard crosswalk be installed at Houston Street. Staff will contact IDOT about the possibility of a crosswalk at Houston and Route 31. A crosswalk at this location must be granted by IDOT. Discussion continued. Staff was directed to contact the City Attorney for an opinion on whether a flashing beacon may be reinstalled at McKee Street. The question of liability was raised. If the FHWA has found these devices do not promote safety, should all the devices be removed. Unknown where the liability lies if the existing devices remain. As a policy decision, should they remain? There is a definite visibility problem that exists at McKee, which does not exist at the other locations. Discussion was held on increased safety with the beacons on 2-lane roads but not 4-lane roads, site lines, higher speeds and greater volume on the 4-lane roads, accidents occurring at intersection with the devices when 3-years before, there were none, etc.

Holm presented potential options for replacement devices at McKee. It was recommended that it might be time to conduct another speed study for this area. City Council would need to authorize the Mayor to request IDOT conduct a study. Holm noted that the remaining beacon will be removed as soon as weather permits.

7. RESOLUTION 18-21-R: TAX ABATEMENT 2012A (GS)

Colby stated that the following 4 resolutions are tax levy resolutions to abate the levy for bond. The total for all these abatements for the tax levy year 2017 is \$156,669. This amount will be paid from the revenue sources available rather than property tax bills.

Motion: To recommend approval to the City Council Resolution 18-21-R: Tax Abatement 2012A.
Maker: Chanzit
Second: Uher
Voice Vote: 11 Ayes, 0 Nays, 3 Absent. All in favor. Motion carried. **(CONSENT AGENDA)**

8. RESOLUTION 18-22-R: TAX ABATEMENT 2013 (GS)

Motion: To recommend approval to the City Council Resolution 18-22-R: Tax Abatement 2013.
Maker: Cerone
Second: Salvati
Voice Vote: 11 Ayes, 0 Nays, 3 Absent. All in favor. Motion carried. **(CONSENT AGENDA)**

9. RESOLUTION 18-23-R: TAX ABATEMENT 2015 (GS)

Motion: To recommend approval to the City Council Resolution 18-23-R: Tax Abatement 2012A.
Maker: Salvati
Second: Uher
Voice Vote: 11 Ayes, 0 Nays, 3 Absent. All in favor. Motion carried. **(CONSENT AGENDA)**

10. RESOLUTION 18-24-R: TAX ABATEMENT 2017 (GS)

Motion: To recommend approval to the City Council Resolution 18-24-R: Tax Abatement 2012A.
Maker: Uher
Second: Malay
Voice Vote: 11 Ayes, 0 Nays, 3 Absent. All in favor. Motion carried. **(CONSENT AGENDA)**

11. RESOLUTION 18-25-R: RENEWING CONTRACT FOR AID VICTIM SERVICES (GS)

Atac stated that the City has been using the Association for Individual Development (AID) to provide victim and crisis intervention. AID responds when requested by the Police and/or Fire Department and follows up with those in need. Staff recommends renewal of this contract in the amount of \$17,000 with an option to extend for a second or third year. Wolff stated that this program is probably one of the best uses of money spent each year. This program helps lighten the load on the Police and Fire Departments. This program has received a lot of praise and is very well received. Chief Eul further noted that AID provides an invaluable service and believes that AID helps to keep down repeat responses. It was noted that there was a huge increase in service hours in 2017. Chief Eul stated that the increase in service hours may be the fact that AID is doing more follow-ups as well as an increase in mental illness responses. In

one instance, AID has met with a family in crises over 8 times. Not just individuals but entire families are being served.

Motion: To recommend approval to the City Council Resolution 18-25-R: Authorizing Execution of a One-Year Renewable Contract for AID Victim Services in the amount of \$17,000.
Maker: Meitzler
Second: Malay
Voice Vote: 11 Ayes, 0 Nays, 3 Absent. All in favor. Motion carried. **(CONSENT AGENDA)**

12. RESOLUTION 18-26-R: RENEWING CONTRACT FOR DRENDEL AND JANSON FOR LOCAL PROSECUTION SERVICES

Atac reported that Drendel & Janson started providing the local prosecutor services in 2016 when the former law firm retired. They provided a seamless transition and continue to provide excellent service. Their current fee is \$2400.00 a month. Staff recommends renewal of their contract. This contract also provides for an option to extend for a second and third year. Their firm appears and prosecutes all traffic and ordinance violations for the Batavia Police Department on the first, second and third Tuesday of each month. They also provide additional motions, continuances, and court appearances as needed.

Motion: To recommend approval to the City Council Resolution 18-26-R: Authorizing Execution of a One-year Renewable Contract for Drendel and Janson Law Group for Local Prosecution Services
Maker: Salvati
Second: Malay
Voice Vote: 11 Ayes, 0 Nays, 3 Absent. All in favor. Motion carried. **(CONSENT AGENDA)**

13. PROJECT STATUS

One Washington Place – The City has received the submittal for One Washington Place Planned Development Amendment. The Historic Preservation Committee voted unanimously to approve this Amendment.

Staff has met with several developers regarding speculative industrial buildings in the area. This continues to be a popular project. Staff has conducted the Development Review Meeting internally for the Windmill Landings and the Prairie Commons Project. The Plan Commission held a public hearing on proposed zoning changes for the southeast corner of First Street and Mallory Avenue and a Comprehensive Planned Amendment on the west side of Washington Avenue north of Forest Street. The Plan Commission will hear a proposed zoning map amendment for a property located near the southeast corner of Fabyan and Nagel Blvd. to change the zoning from General Commercial to Light Industrial to facilitate the expansion of an existing business. Two new leases were recently announced for northeast business park buildings. The first at 1160 Pierson Drive and at 1250 Douglas Road, a 50,000-sq. ft. facility.

Working with Kane County and the State of Illinois, the City has completed and submitted its comprehensive response to the Request for Proposal from the Indoor Farming Enterprise. If the Batavia site is selected and the project is built as planned, the project would represent a tremendous amount of

increment. There are several other sites under proposal, but the hope is that Batavia has distinguished itself, in particular looking at the dedication to agriculture in Kane County as well as the location of organizations close to Batavia that provide food to those in need, namely the Northern Illinois Food Bank. One of their most popular programs is the Backpacks for Students, which provides food to children on Friday for the weekend. The children will then return the backpack on Monday to be refilled.

Newman reported that she had an opportunity to do a ride-a-long with a snowplow. Found it to be hard work operating a snowplow. You bounce all over inside the vehicle with every bump in the road. The employee she rode with last Friday, was on his 16th hour of work. Newman noted that the Batavia Street Crews are so proud of the job they do for the City. Further talked to several business owners, which were impressed that he crews returned to remove the snow piled up, off the streets before the next big snow hit. The crews were using end loaders and dump trucks to remove piles of snow. The crews were consistently moving the snow out of the way, so the public could use the parking spaces. This type of weather is also a strain on the first responders due to accidents. First responders are also often spending longer hours and calling in additional shifts to be there when residents need them. Newman thanked the employees who came to work on Friday when all the schools and many businesses closed.

An agreement is being drafted to address fire hydrants on private property that are in disrepair. Engineering is in the final preparation for the bidding process for Area 3 drainage issues. Building and Grounds, electrical is planned work at Public Works to isolate emergency circuits from day-to-day circuits. Staff has met with Teen Technologies, a plastic injection molding operation and are using more and more electricity as they expand their business. They are about to cross the threshold to become a large general service.

The next Strategic Plan Meeting will be held on 02/27/2018.

14. OTHER

None.

15. ADJOURNMENT

There being no further discussion. A motion was made by Salvati to adjourn the meeting. Seconded by Uher. All in favor. Motion carried.

11 Ayes

0 Nays

3 Absent

The meeting was adjourned at 9:07 p.m.

Respectfully submitted by Cheryl A. Shimp, Recording Secretary