

CITY OF BATAVIA
MINUTES OF THE BATAVIA CITY COUNCIL
February 15, 2021, 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

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. Ald. Miller led the Pledge of Allegiance.

3. ROLL CALL

13 of 14 aldermen were present at roll call.

Aldermen (by ward) in attendance in person: Jennifer Baerren (1), Dan Chanzit (3) and Keenan Miller (7)

The following aldermen attended via the internet: Michael O'Brien (1), Alan Wolff (2), Martin Callahan (2), Elliot Meitzler (3), Joe Knopp (4), Abby Beck (5), Mark Uher (5), Michael Russotto (6), Nicholas Cerone (6) and Drew McFadden (7)

Absent: Tony Malay (4)

Also attending were the following:

In person:

City Clerk

Ellen Posledni

City Administrator

Laura Newman

Via internet:

City Attorney

Roman Seckel

Public Works Director

Gary Holm

Community and Economic Development Director

Scott Buening

4. REMINDER: Please speak into the microphone

Mayor Schielke reminded everyone to use their microphones.

5. ITEMS REMOVED/ADDED/CHANGED

The Mayor noted that the three members of the Fire and Police Commission were in attendance and should be added to the agenda under Matters From the Public, item 7a.

Motion from Ald. Chanzit, seconded by Ald. Knopp, to add agenda item 7a. Motion carried 13 yea/ 0 nay/ 1 absent.

6. CONSENT AGENDA

Ald. Chanzit read the Consent Agenda as follows.

Accept and Place on File:

- A. Committee of the Whole Minutes January 12, 2021 and January 26, 2021
- B. Plan Commission Minutes January 20, 2021
- C. Historic Preservation Commission December 14, 2020
- D. Building Reports January 2021

Approvals:

- E. February 5, 2021 Payroll \$959,816.10
- F. Accounts Payable Check Register \$1,643,352.90
- G. City Council Minutes for February 1, 2021
- H. **APPROVAL:** COW Executive Session Minutes for April 28, 2020 and November 10, 2020
- I. **APPROVAL:** City Council Executive Session Minutes for January 19, 2021
- J. **RESOLUTION 21-006-R:** Purchase Leaf Machine from Bonnell Industries for an amount of \$109,781.00 (SH 1/25/21 COW 2/02/21 13/0) CS
- K. **RESOLUTION 21-007-R:** Authorizing Execution of Task Order #25 with Engineering Enterprises for Professional Services/Design Engineering related to the Chlorine Booster Station on SE side of the City (JPB 2/3/2021 COW 2/9/2021 10/0) PU
- L. **RESOLUTION 21-010-R:** Authorizing a contract with Meade Inc to perform directional boring and conduit installation for new electrical service at 1801 Suncast Lane for an amount not to exceed \$79,150 which includes 10 percent contingency amount (RB 2/5/2021 COW 2/9/2021 10/0) PU
- M. **RESOLUTION 21-011-R:** Authorizing a contract with Carlisle Utility Contractors, Inc to perform Cable installation for new electrical service at 1801 Suncast Lane for an amount not to exceed \$23,874 which includes 10 percent contingency amount (RB 2/5/2021 COW 2/9/2021 COW 10/0) PU
- N. **RESOLUTION 21-012-R:** Authorizing a contract with Carlisle Utility Contractors, Inc to perform 35kV cable replacement for new electrical service at 1801 Suncast Lane for an amount not to exceed \$44,935 which includes 10 percent contingency amount (RB 2/5/2021 COW 2/9/2021 10/1) PU

Motion by Ald. Chanzit, seconded by Ald. Knopp, to approve the Consent Agenda as presented. Motion carried 13 yea/ 0 nay/ 1 absent.

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

None.

7a. FIRE AND POLICE COMMISSION

Mayor Schielke introduced commissioners Nancy Vance, Dennis Anderson and Randy Zies and thanked them for their outstanding work and public service.

Ms. Vance said they are here to thank the first responders who are unsung heroes, and thank their leaders, including Chief Deicke and Chief Eul. She said it is a privilege to be part of the Commission, and encouraged everyone to thank a first responder when you see them.

Mr. Anderson said he was there to sing the praises of the Batavia Police Department. He retired in 2005 after 36 years as police chief in Batavia and 12 years working with IDOT on traffic safety. He said in that role he had the opportunity to observe characteristics of police departments across the state, and he would place Batavia on the top rung of the ladder. He said their loyalty, dedication and honor is exemplary, and he has great respect for all first responders and public safety personnel everywhere.

Mr. Zies was chief of the Batavia Fire Department for 35 years, and said he believes we have one of the greatest in the area. He has worked with many other fire departments in and out of Illinois. Turnover rate in Batavia is zero. He thanked BPD and BFD personnel for keeping us safe and giving us a sense of peace. He said they are our heroes and extended his extreme gratitude.

Mayor Schielke thanked all three commissioners for their services. He noted that Ms. Vance served eight years on the City Council, making this an all-inclusive team. Both departments have in recent years faced difficult situations that have been handled with care to avoid negative consequences.

8. MAINSTREET

Executive Director Beth Walker, attending via video conference, said MainStreet has wrapped up the For the Love of Local weekend in Batavia, which included ice sculptures downtown. Batavia Restaurant Madness is coming soon. New Boardwalk Shops have been chosen and will be revealed this week.

Ald. Wolff said there were 25 applicants and 10 chosen, and wondered if any of those not chosen have expressed interest in setting up shop elsewhere in Batavia. Ms. Walker said they are in discussions with some of those business owners to support a move into Batavia.

Mayor Schielke said the ice sculptures attracted many visitors and much excitement over the weekend. Ms. Walker said they hope to expand that attraction in 2022.

9. RESOLUTION 21-009-R: Addendum to the Grant Agreement Between the City of Batavia and Batavia Mainstreet for Development of the Boardwalk Shops Project (LN 2/5/2021 COW 2/9/2021 10/0) CD

Ald. Chanzit introduced the item related to adding two additional Boardwalk Shops and a picnic area to the site. State grant funds are used for this development, and this funding was previously approved. This is an amendment to the initial resolution due a change in plans.

Ald. Chanzit asked if any decisions had been made on the utility box in the area. Administrator Newman said she was unaware of this discussion, and Ald. Callahan noted that would be a separate discussion.

**Motion by Ald. Chanzit, seconded by Ald. Miller, to approve the resolution as presented.
Motion carried 13 yea/ 0 nay/ 1 absent.**

Ald. Beck left the meeting at 7:56 p.m.

10. ORDINANCE 21-09: Revising Title 3 of the Batavia Municipal Code Creating an Accommodation Facility Liquor License and Amendment of the C-2 Carry-In Liquor License (EB 2/3/2021 COW 2/9/2021 10/0) GS

Ald. Chanzit introduced the item that establishes a new Class L liquor license and broadens the current C-2 carry-in liquor license.

**Motion by Ald. Chanzit, seconded by Ald. Cerone, to approve the ordinance as presented.
Motion carried 12 yea/ 0 nay/ 2 absent.**

Ald. Beck returned to the meeting at 7:59 p.m.

11. ORDINANCE 21-14: Approving Plat of Vacation for Trillium Court Turnaround (SCB 2/3/2021 COW 2/9/2021 10/0) CD (3/4 Majority Vote)

Ald. Callahan introduced the item related to the vacation of two parcels no longer needed by the city after a turnaround road has become a through street.

**Motion by Ald. Callahan, seconded by Ald. Cerone, to approve the ordinance as presented.
Motion carried 13 yea/ 0 nay/ 1 absent.**

12. ORDINANCE 21-12: Amending the Text of the Zoning Code (Cannabis Business Establishments) City of Batavia, Applicant (DR 2/1/2021 COW 2/9/2021 10/0) CD

Ald. Callahan introduced the item relating to zoning for cannabis business establishments. This process has been long and zoning decisions weighed carefully. This action follows a public advisory referendum that showed 81% of Batavians supported allowing cannabis businesses to operate in town.

**Motion by Ald. Callahan, seconded by Ald. Wolff, to approve the ordinance as presented.
Motion carried 13 yea/ 0 nay/ 1 absent.**

13. ORDINANCE 21-13: Authorizing Sale of Excess Former Railroad Parcels by Solicitation of Bids (South of Bernadette Lane and North of Millview Drive) (SCB 1/25/21 COW 2/9/2021 10/0) GS

Ald. Chanzit introduced the item related to the sale of the Burlington and Northern right of way. The city no longer has use for the property. It has tried to sell these parcels previously.

**Motion by Ald. Chanzit, seconded by Ald. Wolff, to approve the ordinance as presented.
Motion carried 13 yea/ 0 nay/ 1 absent.**

14. RESOLUTION 21-008-R: Authorizing Award of Contract to Whittaker Construction and Excavating, Inc. related to the Water Treatment Plants #1 and #2 Rehabilitation Project. (JPB 2/3/2021 COW 2/9/2021 10/1) PU

Ald. O'Brien introduced the item related to water treatment plants 1 and 2, which require extensive work. Four companies submitted bids, and Whittaker offered the lowest bid, which was about 1% under the engineering budget. This rehabilitation project agreement includes a 4.3% contingency. Work will start in 2021 and finish in 2022.

Motion by Ald. O'Brien, seconded by Ald. Knopp, to approve the resolution as presented. Motion carried 13 yea/ 0 nay/ 1 absent.

15. ADMINISTRATOR'S REPORT

Administrator Newman shared that the Bicycle Commission will attend the March 9 COW to provide an update on their work, discuss the city's Strategic Plan, how it relates to the commission and what the commission can do to help support the city's plan.

Mayor Schielke recorded a public service message with the head of the Kane County Health Department, the Kane County Board President and Dave Brown, former Batavia alderman and current Kane County Board member. The message is intended to educate the public about COVID-19 vaccination and availability in Kane County.

Restaurant Madness will be two weeks in March this year. This is a collaboration among the city, Chamber of Commerce and MainStreet. Two members representing restaurants were also part of the planning committee this year. The event will be Sunday through Thursday the weeks of March 15 and March 22. Patrons get 10% off their purchase and get a 10% off coupon from the restaurant to use in April. All Batavia restaurants will get a coupon mailed to them, but coupons can also be downloaded and printed from the city's website.

In Finance, Peggy Colby is working on IEPA loans. Five abatement resolutions have been prepared for a total of \$3.3 million. This is money earned through revenue to pay debts without levying property taxes.

The State of Illinois is considering legislation to allow TIF funds to be used to help businesses affected by COVID-19.

In Community and Economic Development, Menards has submitted a new permit for renovations in addition to prior proposals. The permit is under review.

Windmill Landing is nearing completion on Hawks Drive.

On February 8, the Historic Preservation Commission reviewed and approved two requests for signs. They discussed landmarking applications and agreed that improvements could be made to the application and language in the code. They also discussed making landmarking requests require 2/3 majority approval by City Council if the property owner objects, but recommend letting City Council decide on that rule.

In Information Services, Mike Kamin has received his second GIS certification and has been elected to the Illinois GIS Board of Directors for a two-year term.

A water utility in Florida was recently hacked via their SCADA system. This system has known deficiencies. City departments had a serious meeting to discuss any vulnerabilities in Batavia. The city does not permit remote access to their SCADA system because of security concerns.

Ald. Cerone asked how the city's salt and snow removal budget is holding up. Administrator Newman acknowledged an extraordinary demand on these services this winter. She said budget is tracked, but she did not have a figure to report tonight. She will update the City Council in the coming weeks.

Administrator Newman offered a shout out to city employees whose jobs require them to work outdoors in this brutal cold. Their hard work is appreciated.

16. COMMITTEE REPORTS

Ald. Wolff reminded residents to clear snow away from fire hydrants.

Ald. O'Brien said tomorrow's COW will include a discussion on city electric and water utilities.

17. OTHER BUSINESS

Ald. Callahan asked if the declaration of emergencies from last summer have officially ended. Administrator Newman noted that the Illinois state of emergency is still in place, and the Batavia state of emergency is connected with that.

Ald. Callahan asked about the state of emergency declared in conjunction with last summer's civil unrest. Administrator Newman said she would look into the status of that.

18. MAYOR'S REPORT

Mayor Schielke commended everyone in Public Works for their tireless work during a challenging year.

He said the U.S. Census Bureau has delayed its report until September 30, 2021, six months later than it was scheduled. Data will be delivered to all states at once. He said Batavia's new numbers will be of great interest, as revenue sources are tied to that data. This will also trigger redistricting of all seven wards to balance the number of residents in each ward. The city receives strong support from the Kane County Clerk's office for the redistricting process.

19. ADJOURNMENT

Motion by Ald. Chanzit, seconded by Ald. Baerren, to adjourn. Motion carried by voice vote. The meeting adjourned at 8:30 p.m.

Minutes prepared and submitted by Ellen Posledni, City Clerk, February 23, 2021.