

**CITY OF BATAVIA**  
**MINUTES OF THE BATAVIA CITY COUNCIL**  
**February 17, 2020, 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 7:30 p.m.

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

Mayor Schielke offered a brief invocation. Ald. Callahan led the Pledge of Allegiance.

**3. ROLL CALL**

**13 of 14 aldermen were present.**

Aldermen (by ward): Michael O'Brien (1), Jennifer Baerren (1), Martin Callahan (2), Alan Wolff (2), Elliot Meitzler (3), Tony Malay (4), Joe Knopp (4), Mark Uher (5), Abby Beck (5), Nicholas Cerone (6), Michael Russotto (6), Drew McFadden (7) and Keenan Miller (7) were present. Dan Chanzit (3) was absent.

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

City Attorney	Roman Seckel
City Clerk	Ellen Posledni
City Administrator	Laura Newman
Police Chief	Dan Eul
Deputy Fire Chief	Craig Hanson
Director of Community Development	Scott Buening
Finance Director	Peggy Colby
Building Commissioner	Jeff Albertson

**4. REMINDER: Please speak into the microphone for BATV recording**

Mayor Schielke reminded all in attendance to use the microphones.

**5. ITEMS REMOVED/ADDED/CHANGED**

Ald. McFadden requested that item N on the Consent Agenda be moved after item 10 on the agenda.

**Motion by Ald. McFaddent, seconded by Ald. Cerone, to amend the agenda to make item N from the Consent Agenda to become item 10.1. Motion carried 13 yea/ 0 nay/ 1 absent.**

## 6. CONSENT AGENDA

Ald. McFadden read the Consent Agenda as follows.

### Accept and Place on File:

A. Committee of the Whole Minutes January 14, 2020

### Approvals:

B. February 7, 2020 Payroll \$948,043.16

C. Accounts Payable Check Register \$3,739,447.75

D. City Council Minutes for February 3, 2020

E. **ORDINANCE 20-17:** Annexing 323 Evergreen Drive (SCB 2/3/20 COW 2/11/20 11/0) CD

F. **RESOLUTION 20-026-R:** Authorizing execution of a Master Services Agreement with HR Green (AMP 1/29/20 COW 2/04/20 12/0) CS

G. **RESOLUTION 20-021-R:** Authorizing Acceptance of Plat of Easement for 1146 Wintergreen Terrace (CB 1/28/20 COW 2/11/20 11/0) CS

H. **RESOLUTION 20-022-R:** Authorizing Acceptance of Plat of Easement for 1150 Wintergreen Terrace (CB 1/28/20 COW 2/11/20 11/0) CS

I. **RESOLUTION 20-020-R:** Authorizing the Purchase of Three (3) Police Department Patrol Vehicles for \$103,044.00. (SM 1/23/20 COW 2/11/20 11/0) CS

J. **RESOLUTION 20-19-R:** Authorizing Purchase of Ford F150 Pickup Truck for Community Development Department Not to Exceed \$27,295.00 (JA 2/4/20 COW 2/11/20 11/0) CS

K. **ORDINANCE 20-16:** ESDA Surplus Property (RD 1/31/20 COW 2/11/20 11/0) CS

L. **RESOLUTION 20-015-R:** Intergovernmental Agreement with College of DuPage to Conduct Firefighter Applicant Testing (RD 02/04/20) COW 2/11/20 11/0) CS

M. **RESOLUTION 20-025-R:** Approving Extension to Employment Agreement with John Dillon (GH 1/30/20 COW 2/04/20 12/0) GS

~~N. **ORDINANCE 20-14:** Revising Title 3, Chapter 3, of the Batavia Municipal Code Class J Liquor License (DE 1/28/20 COW 2/04/20 12/0) GS~~

O. **RESOLUTION 20-030-R:** Tax Abatements - Fire Station Refunding 2012A GO (LP 2/05/20 COW 2/11/20 11/3) GS

P. **RESOLUTION 20-031-R:** Tax Abatements - IEPA 2013 GO (LP 2/05/20 COW 2/11/20 11/3) GS

Q. **RESOLUTION 20-032-R:** Tax Abatements - Electric Refunding 2015 GO (LP 2/05/20 COW 2/11/20 11/3) GS

R. **RESOLUTION 20-033-R:** Tax Abatements - Drainage/CH Capital 2017 GO (LP 2/05/20 COW 2/11/20 11/3) GS

S. **RESOLUTION 20-034-R:** Tax Abatements - Fire Station Bonds 2019 GO (LP 2/05/20 COW 2/11/20 11/3) GS

T. **RESOLUTION 20-029-R:** Resolution Recertification of Participation by Elected Officials in the Illinois Municipal Retirement Fund (WB 2/11/20 COW 2/11/20 11/3) GS

U. **RESOLUTION 20-035-R:** Approving a directional boring contract with Carlisle Utility Contractors for Paramount Park Substation Feeder reconfiguration in the amount not to exceed \$101,351.00 which includes 10 percent contingency amount (RB 2/7/20 COW 2/11/20 11/0) PU

V. **ORDINANCE 20-18:** Declaring Certain Property to be Surplus and Authorizing Donation Thereof (GH 2/7/20 COW 2/11/20 11/0)

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

In light of the tax abatements on the Consent Agenda, Mayor Schielke noted that the City Council has kept its promise to Batavia residents to not allow certain projects to become a property tax burden. Projects like upgrades to the Batavia Fire Department Stations were funded with a small sales tax increase overwhelmingly approved by referendum.

**7. MATTERS FROM THE PUBLIC: (For Items NOT on the Agenda)**  
None.

**8. OATH OF OFFICE: Batavia Police Officer Alex Wakeley**  
Chief Eul introduced Officer Wakeley, who has four years of experience as an officer in Dixon and a bachelor's degree from University of Illinois. He was hired to replace an officer who retired. Mayor Schielke administered the oath.

**9. PROCLAMATION: National Suicide Prevention And Action Month**  
Ald. Wolff read the proclamation declaring September 2020 as National Suicide Prevention and Action Month in Batavia.

Ald. Callahan noted that he and several Council members have been personally affected by suicide. He encouraged residents to become familiar with resources now so that in a crisis, they know where to turn. He added that Batavia Fire Department and Batavia Police Department are well trained to respond to mental health crises.

Mayor Schielke agreed, noting how proud he is of the way these personnel respond to crises with compassion and understanding.

Ald. O'Brien encouraged residents in crisis to call 911. Police are trained to respond to these emergencies and that will get you the help you need.

**Motion by Ald. Wolff, seconded by Ald. Meitzler, to approve the proclamation as read. Motion carried 13 yea/ 0 nay/ 1 absent.**

**10. MAINSTREET MINUTE**

MainStreet President Patrick Moynihan delivered a presentation highlighting the organization’s 2019 accomplishments and looking ahead to 2020. He discussed the group’s mission and vision, and the National Main Street four-point approach. MainStreet counts on partnerships and collaboration at the local, state and national level. They have 25 action plans for 2020 and will host 75 events. Staff restructuring has divided fundraising and event coordination into two part-time positions, reporting to a new executive director.

Ald. Callahan noted that improvements happen because of ideas and people stepping up to make them become reality, and events are successful because of the number of volunteers willing to make them happen.

Mayor Schielke thanked the Board of Directors for what has been an outstanding year, and welcomed Executive Director Sherri Wilcox, saying she can take the organization to the next level.

**10.1. ORDINANCE 20-14: Revising Title 3, Chapter 3, of the Batavia Municipal Code Class J Liquor License (DE 1/28/20 COW 2/04/20 12/0) GS**

Ald. Beck left the dais and sat in the audience while this item was considered. She returned to her seat following the vote.

Ald. McFadden introduced the item regarding selling alcohol in theaters. This revision would allow liquor sales during live performances.

Mayor Schielke noted his support for the ordinance, and added that additional business ventures pending in Batavia may require further amendments to this code in the near future.

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

President Moynihan thanked the Council for their support of business growth on Route 31.

**11. RESOLUTION 20-027-R: Authorizing Execution Of Task Order #1 For Watershed Concept Plant For Mahoney Creek With HR Green In The Amount Not-To-Exceed \$52,520.00 (AMP 1/29/20 COW 2/04/20 12/0) CS**

Ald. Wolff introduced the item related to work on the Mahoney Creek watershed.

Ald. O’Brien added that the creek is fed from Fermilab and he hopes city staff is in dialogue with them about the part they play in this. Fermilab has indicated they will add a restrictor for water flow but the project is likely five years away. He hopes they may expedite that project.

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

**12. RESOLUTION 20-023-R: Approving Telecommunications Franchise Agreement For Use Of Right-Of-Way Between The City Of Batavia, Illinois And MCImetro Access Transmission Services Corp (GH 1/30/20 COW 2/04/20 11/0) PU**

Ald. O'Brien introduced the item, explaining that MCImetro purchased a company in 2017 that had an existing franchise agreement with the City of Batavia. MCImetro did not want to comply with this agreement, but has now agreed. The pole attachment agreement was withheld until this franchise agreement was met.

Ald. Uher explained that this is preparation for 5G technology coming to Batavia. The city has no control over whether 5G is installed here, but it can control the aesthetics.

Ald. Meitzler noted he would abstain due to a conflict of interest, but said that the city should not relinquish what little control it has over the installation of 5G.

Administrator Newman noted that the law has not yet caught up with the technology, as the line between entertainment and telecommunications has blurred.

**Motion by Ald. O'Brien, seconded by Ald. Uher, to approve the resolution as presented.  
Motion carried 12 yea/ 0 nay/ 1 absent / 1 abstention.**

**13. RESOLUTION 20-024-R: Approving Pole Attachment Licensing Agreement Between The City Of Batavia, Illinois And MCImetro Access Transmission Services Corp (GH 1/30/20 COW 2/04/20 11/0) PU**

Ald. O'Brien introduced the item related to the pole attachment agreement with MCImetro. Ald. Wolff said he expects someone with a good fiber network will lease this network. Ald. O'Brien wondered if that was a good idea, and Ald. Wolff said dealing with one company is better than dealing with four or five.

Mayor Schielke said the city was spoiled working with Comcast and AT&T. He said other companies that have come to Batavia have not had the same controls over installation work, leading to many complaints over the last couple of years. He added that 5G technology will require small antennas all over the city, and companies are eyeing church steeples, which would be a nice revenue source for local churches. Ald. Wolff added that companies will need to figure out how to install antennas in newer neighborhoods with underground utilities.

Ald. O'Brien agreed with Mayor Schielke, saying that MetroNet made a nice presentation to the Council two years ago, but it has fallen short of what it promised.

**Motion by Ald. O'Brien, seconded by Ald. Cerone, to approve the resolution as presented.  
Motion carried 12 yea/ 0 nay/ 1 absent / 1 abstention.**

#### **14. ADMINISTRATOR'S REPORT**

Administrator Newman shared several updates on city projects:

- In Public Works, electric crews are pulling wire and making connections for a new system to serve Lorlyn Apartments.
- Electric crews are also completing work along Main Street in preparation for the rebuilding project this year.
- Plans for the 2020 sidewalk program have been finalized.
- Planning is underway for expansion and improvements to the water treatment plant.
- Engineering met with consultants for an update on the Carriage Crest basin project.
- Streets and PPS have been busy with winter operations.

In response to tonight's proclamation, Administrator Newman reminded residents that 211 is always available to call if you need any resources or assistance of any kind. If you need help with food, financial resources, transportation or just need someone to talk to, call 211.

The city's parkway tree program is funded by the general fund and electric utilities. Residents can apply and the City of Batavia shares the cost of the tree. City crews plant the trees, which are guaranteed for one year. Online applications are available on the city's home page.

Tomorrow at 5:30 p.m. is an informational meeting about the Main Street road reconstruction project that will run from April through November this year. The project has been nine years in the making and will make use of federal funding. It will affect Main Street from South Water Street to Van Nortwick, and will install a new, modern road with new infrastructure.

Ald. Uher asked for a discussion on video gambling to be added to an upcoming COW agenda. Administrator Newman said she would add it to the February 25 COW.

Ald. Knopp asked about the status of payback from the wastewater treatment plant project. Administrator Newman say staff will be meeting with the contractor on Thursday to go through all line items and discuss repayment.

#### **15. COMMITTEE REPORTS**

For Community Development, Ald. Callahan said the COW would be considering entryway signage design. The next Plan Commission is March 4. February 25 would be a continuation of a Public Hearing regarding an SSA.

For City Services, Ald. Wolff said the COW would consider the adoption of a Complete Streets policy.

#### **16. OTHER BUSINESS**

Ald. Uher requested to add an item to the next COW agenda to discuss the Boardwalk Shops and whether they could be relocated if the One Washington Place project does not move forward. He also would like to discuss how utilities will be charged. Ald. Malay joined him in the request.

**17. MAYOR'S REPORT**

Mayor Schielke said the WGN show *Chicago's Best* will be filming at Gammon Coach House this week.

The Mayor will absent for tomorrow night's COW because he will be speaking at the Batavia Brotherhood Banquet. The theme of his speech is, "Moments When God Touched Our Town."

He also said he is pleased with the work coming out of the city and the level of state and federal funding the city has received, even in a time when funds are in short supply. Both the Main Street and Prairie Street projects were well planned and could be funded with grant money while other cities have missed out because they will not be ready in time to meet imposed deadlines for grant funds.

**18. EXECUTIVE SESSION: Purchase Or Lease Of Real Property**

**Motion by Ald. O'Brien, seconded by Ald. Callahan, to adjourn to Executive Session. Motion carried 13 yea/ 0 nay/ 1 absent.**

The meeting adjourned to Executive Session at 8:51 p.m.

**19. ADJOURNMENT**

The meeting returned to General Session at 9:20 p.m.

**Motion by Ald. Wolff, seconded by Ald. Knopp, to adjourn. Motion carried by voice vote.**

The meeting adjourned at 9:21 p.m.

*Minutes prepared and submitted by Ellen Posledni, City Clerk, February 25, 2020.*