

MINUTES
March 20, 2018
Committee of the Whole
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 Brown called the meeting to order at 7:30pm.

1. Roll Call

Members Present: Chair Brown; Ald. Russotto, Atac, Stark, Wolff, Salvati, O'Brien, Callahan, Meitzler, Uher, and McFadden

Members Absent: Alderman Chanzit, Malay, and Cerone

Also Present: Chief Eul, Batavia Police Department; Laura Newman, City Administrator; Wendy Bednarek, Director of Human Resources; Scott Haines, Street Superintendent; Byron Ritchason, Wastewater Division Superintendent; Chris Cudworth, Communications Coordinator; Anthony Isom, Administrative Assistant to the City Administrator; and Jennifer Austin-Smith, Recording Secretary

2. Items to be Removed/Added/Changed

There were no items to be removed, added or changed.

3. Matters from the Public (For Items NOT on Agenda)

There were no matters from the public at this time.

4. WWTP Monthly Update

5. WWTP Replacement of Diversion Structure Slide Gates

Jerry Ruth, Trotter and Associates, presented on the wastewater treatment plant monthly update and the need to replace diversion structure slide gates. The presentation included the following information:

- Phase 1 Rehabilitation Project Highlights
- Cost Update
 - 51% progress
- Change Orders
 - 1.30%
- Schedule
- Project Photos
- Replacement of Diversion Structure Slide Gates

6. Discussion: Liquidated Damages Assessed to R.N.O.W. for Late Delivery of 2017 Self-Contained Leaf Collection Trailer (Scott Haines 3/8/18) CS

Haines reported that staff ordered this machine after bidding it out in May of last year. The vender struggled with the manufacturer to get the machine to the City in time for leaf season. Haines discussed liquidated damages as an incentive to get the contract done and the machine on time, not necessarily a way to get a machine for half price. The amount suggested from R.N.O.W. in lieu of the contract liquidated damages of 10K fell a little short since we did not have the machine during the season and our older machine had to be used, which broke down during the season. We had to use parts in our inventory that no longer could be used in another machine. There are costs that we accrued due to not having the machine in time. Haines continued that the machine is here now and this situation needs to be settled. He recommended going with the \$10,000 and adding an additional \$5,000 in liquidated damages for the parts, labor, and material the City had to endure with using our existing machine.

Kevin (last name not given), R.N.O.W., apologized for the inconvenience. He presented a counter proposal to what Scott Haines had presented. He stated he and the manufacturer agreed with the \$10,000 of liquidated damages. The counter proposal would be to split the \$5,000 (making it \$2,500) and, in turn, the manufacturer would provide an additional year of the manufacturer warranty on the machine for a total of two full years of warranty.

Scott Haines voiced his agreement with the counter proposal given. He noted that one power blade is about \$3,500. He stated that it is more of a gamble on the manufacturer's side than it is on the City's side. Haines explained that the machine is worked hard for eight weeks and put away until it is worked hard again for another eight weeks. The Committee was in favor of accepting the \$12,500 in liquidated damages and the additional year of manufacturer warranty for a total of a two-year warranty.

Motion: To accept the \$12,500 in liquidated damages to bring the price of the machine down to \$54,501.95
Maker: O'Brien
Second: Stark
Voice Vote: 11 Ayes, 0 Nays, 3 Absent
Motion carried.

7. Resolution 18-36-R: Authorizing an Intergovernmental Agreement Between the City of Batavia and the County of Kane for Household Hazardous Waste Collection Services and Rider to the offer to Contract (RFP 20-017) with US Ecology (Scott Haines 3/14/18) CS

Haines stated that this would be an independent program for waste services. He explained that we do currently collect a fee from our waste hauler. He would like to get this program started as early as June 1st. It is a home service and the City would service 18-25 homes per month. The serviced homes would basically call an 800 number to get signed up for the collection. The residents would have one pick-up a year. The list would be verified to make sure that all are Batavia residents. A mailing would go out with a list of accepted and unaccepted items along with a bag for those items to go in with date of the collection and where to place the bag. The intent is to get away from heavier weight items such as oil and auto batteries. There is a detailed

list in the intergovernmental agreement. Haines summarized how the program would work for the Committee. There will be a need to come back for a budget amendment because this was not in the 2018 budget, there is money that we have been collecting that has been placed into an account, but the expense is not in the 2018 budget.

The Committee discussed the service, budget, cost, recycling, notification, education on current recycling programs, and the fee. Haines noted that the fee does not need to be increased that we already have funding in our RFP. We could use the current \$3 fee in our next RFP and keep the dollar amounts the same and utilize the account that we have been collecting over the past four years. Callahan stated that it is such a small number, 300 homes out of 8,000 homes a year. The program could create a mindset that we are paying for something that we will never get to use and people would get rid of their hazardous materials no matter what. Callahan would like to see what other options are out there to make it more efficient. Newman noted that taking hazardous materials out of 300 homes is a benefit to all of us. O'Brien stated that we will not be raising fees currently. Wolff asked how much would it cost to have a mass collection once a year. Haines stated that such a collection would be very expensive. Brown reported rough numbers on what it costs Naperville to do their mass collection. Naperville's share is \$150,000, they get contributions from Aurora, DuPage, Will and Kane Counties that contributes in \$200,000 and the IEPA contributes \$500,000 a year.

Motion: To recommend approval of Resolution 18-36-R: Authorizing an Intergovernmental Agreement Between the City of Batavia and the County of Kane for Household Hazardous Waste Collection Services and Rider to the offer to Contract (RFP 20-017) with US Ecology with leaving the total at \$3 in the RFP

Maker: O'Brien

Second: Atac

Voice Vote: 10 Ayes, 1 Nay, 3 Absent
Motion carried.

Alderman Callahan was the nay vote.

Stark noted that the Naperville facility is only one of four household hazardous waste sites in the entire state of Illinois. McFadden suggested gathering data on the current program and making a decision based on the data collected. Atac concurred. Haines stated that he would like to return after six months and report on this program to the Committee. The Committee agreed that a report would be beneficial.

8. Resolution 18-35-R: Authorizing the Purchase of Three (3) Police Department Patrol Vehicles for \$84,612.00 (Chief Eul 3/14/18) CS

Chief Eul reported that this is part of the ongoing fleet replacement program. O'Brien noted that this is in the budget.

Motion: To recommend approval of Resolution 18-35-R: Authorizing the Purchase of Three (3) Police Department Patrol Vehicles for \$84,612.00

Maker: Meitzler

Second: Uher

Voice Vote: 11 Ayes, 0 Nays, 3 Absent
Motion carried.

9. Discussion: Batavia Dam (Laura Newman) (CS)

Newman reported that since September of 2016 the City and Park District have been working together to discuss plans for the future of the dam. In 2017 each organization budgeted \$75,000 for an engineering study about dam removal and the future of the depot pond. We did not engage a company for that purpose in 2017. In early 2018 the groups met again and given the fact of the State's financial situation does not seem to offer any opportunities for financial support to assist us with that project, both the City and Park District feel that expenditure of \$150,000 to study options for dam removal is not practical at this time. Instead, Newman said that both staffs recommend that the City make the repairs identified in the inspection and recommendations by WBK's completed study. Brown asked if staff wanted direction to go out for an RFP for engineering. Newman agreed and added for repair, not removal.

Brown stated that he is afraid that we are going down the wrong trail. The cost to maintain or fix the dam would be very costly for a dam that we do not own. We should accept the fact that we need to preserve our pond and go through the planning process to save our depot pond and understand that it would be very costly, rather than continually repairing and inspecting a dam that the City does not own. Newman stated that there is a difference in cost of repairing the dam and the ultimate solution. If the future plan is to maintain the pond, an important first step would be finding out how you would pay for maintaining the pond. Wolff stated that the State has informed us that they would not permit the repair of the dam. They will allow us to remove or modify it. They will not allow us to repair or rebuild it. Wolff stated our time, efforts and money should be focused on what are we doing to save the pond. There has been a lot of effort done out there with the River Walk. O'Brien suggested that part of the planning should be what do we do when the dam fails. That will require some thought and a reaction on our part. Salvati stated that is conditional logic and we have to figure out what the contingencies are so we are not reactive.

Stark noted that there was a referendum in which the residents voted to keep the dam. She asked if at that time of the referendum was there money to remove the dam. Brown answered that at that time there was money available to remove the dam. Wolff added that Yorkville received the money. Brown stated that there was a lot of misconceptions at that time, for example, people believed that if the dam was removed we would not have a river going through our downtown. Stark commented that the referendum is why we are at the position we are at today.

Newman reported on staff's direction by the COW. Newman stated that staff has been asked to engage the counsel of a professional organization that could assist us with having a community discussion to articulate an overall plan for the river from Fabyan down to Mooseheart. Brown added that the pond should also be a big consideration in this. A Committee member questioned how this would be paid for. Brown stated that the funding would come from the \$150,000 at this point. Salvati suggested having this procedure modeled after how the streetscape project was initiated. Stark asked how the firm would be selected. Brown stated that the COW interviewed two or three firms for the streetscape and one was selected through that interview process. Stark noted that she liked the streetscape process of finding the firm.

10. Discussion: Strategic Plan Review: Mission, Vision, Values, SWOT Analysis, and Major Topics (GS)

This was tabled to the next COW meeting on March 27th with a start time of 7pm verses 7:30pm.

11. Discussion: Authorizing City Staff to Provide Support to Empower Batavia

Stark explained that the reason she raised this issue is because the first time this was discussed in a public forum was through a newspaper article. The article talked about how representatives from the City Council, Alderman Callahan and Alderman Meitzler, were there on behalf of the City Council. The paper presented it as if the aldermen present were representing the City Council. Stark stated that if people are representing the City Council on a committee they should be appointed by the Mayor to do so. Aldermen Callahan and Meitzler assured the Committee that they were in attendance as concerned citizens and never stated that they were there representing the City Council in any manner.

12. Project Status

Newman reported on the following:

- The developer for the land behind Sam's Club has submitted their proposals so that is moving forward. It would be a 200 unit single family homes and townhomes.

13. Other

Uher asked if someone would support him on making a referendum for term limits. He is thinking three or four terms as a limit. He asked if another member would support him in asking staff to investigate creating a referendum for this fall regarding term limits. Salvati, Callahan and Atac supported Uher's request.

14. Executive Session:

a. Collective Bargaining

Motion: To enter into Executive Session for collective bargaining

Maker: Salvati

Second: Uher

Voice Vote: 11 Ayes, 0 Nays, 3 Absent
Motion carried.

The COW entered into executive session at 9:53pm and exited executive session at 10:16pm.

15. Adjournment

There being no other business to discuss, Chair Brown asked for a motion to adjourn the meeting at 10:16pm; Made by O'Brien; Seconded by Salvati. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith