

**MINUTES**  
**March 26, 2019**  
**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 7:00pm.

**1. Roll Call**

**Members Present:** Chair Brown; Ald. Russotto, Atac (entered at 7:02pm), Stark, Chanzit, Wolff, Salvati, O'Brien, Callahan, Meitzler, Malay, Uher, McFadden

**Members Absent:** Alderman Cerone

**Also Present:** Mayor Schielke; Chief Deicke, Batavia Fire Department; John Kessler, Batavia Fire Marshal; Laura Newman, City Administrator; Jeff Albertson, Building Inspector; Jeremy Barkei, Sewer Superintendent; and Jennifer Austin-Smith, Recording Secretary

**2. Reminder: Please speak into the microphone for BATV recording**

**3. Approve Minutes for March 5, 2019**

**Motion:** To approve minutes for March 5, 2019

**Maker:** Chanzit

**Second:** Salvati

**Voice Vote:** 12 Ayes, 0 Nays, 2 Absent  
Motion carried.

**4. Items to be Removed/Added/Changed**

The 'Project Status' portion of the meeting was moved prior to 'Other' on the agenda.

**5. Matters From the Public (For Items NOT on the Agenda)**

There were no matters from the public for items not on the agenda.

**6. Consent Agenda:**

(The Consent Agenda is made up of items recommended by city staff that requires recommendation to the full City Council by the COW. This agenda is placed as a separate item on the COW agenda. The items on the Consent Agenda are usually minor items, already budgeted, standard non-policy activities or outgrowths of earlier meetings and are voted on as a "package" in the interest of saving time on non-controversial issues. However, any council member may, by simple request, have an item removed and placed on the "regular" agenda.)

**a. Ordinance 19-26: Declaring Surplus Property – Electric Utility (BB 3/19/19)  
PU**

**Motion:** To recommend to City Council approval of the Consent Agenda as presented  
**Maker:** Chanzit  
**Second:** Malay  
**Voice Vote:** 12 Ayes, 0 Nays, 2 Absent  
Motion carried.

**7. Ordinance 19-25: Approve Fire Code Variance for 1335 S. River Street Above Ground Fuel Tank (JK 3/19/19) CS**

\*Alderman Atac entered the meeting at 7:02pm.

Fire Marshall John Kessler addressed the Committee of the Whole (COW). He explained that the cost for digging an underground tank was prohibitive. There is not much dirt on top of the bedrock so that would increase the cost. The above ground container is pinnacle to running the operation. We do not see any major issues to having the fuel tank above ground with the restrictions we placed on it. The tanks themselves are constructed to UL standards, they have self-containment and they are intrinsically safe.

O'Brien asked if there would be extra containment due to the proximity to the river. O'Brien would like an added precaution. Callahan stated that he would prefer it to be above ground because it seems that there is more possibility of contamination being underground. O'Brien stated that he is not opposed to the above ground fuel tank but he would prefer an added precaution and be proactive in protecting our environment. Kessler stated that he would research a detection device in case there is a leak as a third preventative measure.

**Motion:** To recommend to City Council approval of Ordinance 19-25: Approve Fire Code Variance for 1335 S. River Street Above Ground Fuel Tank  
**Maker:** Salvati  
**Second:** Meitzler  
**Voice Vote:** 13 Ayes, 0 Nays, 1 Absent  
Motion carried.  
CONSENT AGENDA

**8. Resolution 19-022-R: Authorizing Execution of Task Order #15 with Engineering Enterprises, Professional Engineering Services Related to Completing a Full Water Works System Calibrated Hydraulic Model for an Amount NTE \$49,820.00 (JPB 3/27/2019) PU**

O'Brien summarized the memo. Jeremy Barkai discussed the project with the Committee. The Committee discussed maintenance, water flow, isolation purposes, performance and efficiency of the City's water system.

**Motion:** To recommend to City Council approval of Resolution 19-022-R: Authorizing Execution of Task Order #15 with Engineering Enterprises, Professional

Engineering Services Related to Completing a Full Water Works System  
Calibrated Hydraulic Model for an Amount NTE \$49,820.00

**Maker:** Meitzler  
**Second:** Malay  
**Voice Vote:** 13 Ayes, 0 Nays, 1 Absent  
Motion carried.  
CONSENT AGENDA

**9. Resolution 19-038-R: Authorizing Execution of a Contract for the Rehabilitation of Well No. 7 with Layne Christensen, Aurora, IL for an amount NTE \$62,355.70 (JPB 3/16/2019) PU**

O'Brien summarized the memo. Barkai discussed Layne Christensen and how they worked well with the City in the past.

**Motion:** To recommend to City Council approval of Resolution 19-038-R: Authorizing Execution of a Contract for the Rehabilitation of Well No. 7 with Layne Christensen, Aurora, IL for an amount NTE \$62,355.70  
**Maker:** Chanzit  
**Second:** Malay  
**Voice Vote:** 13 Ayes, 0 Nays, 1 Absent  
Motion carried.  
CONSENT AGENDA

**10. Discussion: Should the video gaming ordinance be revised to place a moratorium on future licenses?**

Newman distributed a report from the Illinois Gaming Commission titled "Illinois Gaming Board Video Gaming Report, Batavia, January 2018-December 2018". She explained that the report gives the statistics from the City of Batavia showing different entities who have a license for gaming machines in their establishments, the wagering activity, video gaming terminal income, and video gaming terminal tax distribution. There is currently seven establishments with video gaming in Batavia. She stated that the Batavia Police Department does compliance checks on all establishments with video gaming terminals and only one establishment failed the sting. Newman noted that Denny's applied for a liquor license with the plan to apply for video gaming terminals later. Newman reminded the Committee that video gaming is a conditional use.

Uher stated that if he had been on the Council at the time he would have voted no on video gaming. He does not feel that this is something that they want in their town. He also does not want more video gaming terminals in town. He would be uncomfortable taking away these terminals from the businesses but he does not feel that we should continue to license these. Uher would like to place a moratorium on these terminals. Malay seconded Uher on asking for discussion on this. Malay stated that looking at these numbers, he has a fundamental problem on a government body collecting taxes on citizen's losses. For the amount of revenue the City receives, he does not feel that this is beneficial to our community.

The Committee discussed video gaming. Atac questioned how this is different from collecting taxes on cigarettes and alcohol. Stark stated that our value system should not be imposed on

others because that is not what we are here to do. Meitzler and McFadden stated they were in favor of placing a cap on the amount. Wolff suggested that legal counsel be consulted with.

Callahan suggested reevaluating and raising the fees. The fees may become deterrents for over proliferation while still also respecting individual business' choices. Callahan continued that the Finance Director could assess how much the City should charge. Salvati stated he understands why business owners would like to have this option and he is not opposed to a moratorium but he would like to see more information. Newman assessed that a moratorium is not necessary because it is a conditional use and the City has the ability each and every application to deny the application. Newman stated that as long as the City is interested in having less of these gaming machines that we not approve the conditional use it would be a legal justification. She added that she would seek legal counsel's opinion. O'Brien stated that he would not support a moratorium but he does feel that raising the fees is a good idea. We could raise the fees around budget time to assess what we need. The money would then go into the quality of life for the City of Batavia.

Bob Hanson, owner of Funway, addressed the Committee. He stated that he was in favor of this for his friends who are business owners. He stated that the additional revenue from these games are helping out a lot of businesses in town. He has been told that without the revenue from these games they would not be in business. Funway's biggest hurdle is the minimum wage increase and his build-out will be labor intensive. He may have to consider these types of gaming machines in the future if he could find an area for adults only on his site.

Chair Brown asked for a straw poll to table this discussion indefinitely with the opportunity to bring it up at budget time for future consideration. There were eight in favor of the straw poll and the discussion on video gaming was tabled.

## **11. Discussion: Entryway Signs (LN 3/22/19)**

Newman overviewed possible entryway signs and showed the Committee PowerPoint slides of the different options. Newman reported that Peterson Design provided the City with some design samples to replace our entryway signage. Newman stated that the current entryway signage is nearly forty years old. Concepts B, H and I were the designs that were the most popular.

The Committee discussed the design concepts. Many were in favor of the limestone look similar to Batavia limestone. The consensus of the Committee was to provide night renderings of concepts B, H, and I for review. Maintenance and longevity of materials were discussed. The consensus of the Committee was to get RFP estimates on both manmade and natural materials to see the difference in cost. Chair Brown suggested having an entryway sign at the corporate limits. Lighting was discussed and several Committee members requested that solar power be investigated. Wolff added that he would like the City to investigate wind energy as well to power the lighting of the signs.

## **12. Project Status**

### **a. Conflict Resolution/Customer Service Training**

Newman reported on the following:

- John Dillon spoke with a windmill expert from Nebraska about fixing the windmill outside of City Hall. It is estimated to cost \$2,500 to fix it. Some people have donated

money to fix the windmill repair. Newman asked the Committee if the City could allow for donations for the windmill repair. There was no objection from the Committee.

- One of the goals for the Strategic Action Plan is to conduct Customer Service Training for employees that are public facing. Ninety people in our organization are interacting with the public on a regular basis. The proposed program was developed at Wabauunsee Community College Corporate Training Department. It would cost \$200 per employee for eight hours of instruction that consists of customer service and conflict resolution. The total cost is \$18,000 and it is not budgeted for this year. Newman stated that she feels confident that they could make a transfer from the Administration Department's professional services line item over into the Administrative Department's training budget to account for this. This would be brought back as a resolution. There was no objection from the Committee.
- Conservation at Home will be held in the City Council Chamber on April 4<sup>th</sup> at 7pm.
- Staff met with Bicycle Commission this past Friday regarding the most recent trends in creating walking and biking routes in the City. Wayfinding is associated with that so Batavia MainStreet is involved.
- Community Development, Public Works and Economic Development took a walk to North Water Street to look at possible locations for the pop-up chalet idea that has previously been discussed. Staff will be meeting with Batavia MainStreet to discuss the design of the program later this week. The location is not set as of yet.
- The City Council approved the Raising Cane's development at the March 18<sup>th</sup> meeting.
- Riverside Pizza Restaurant is anticipated to be opening mid May.
- Newman announced the 2018 Police Department Employee Award recipients.
- Public Works bids coming in for the work about to begin. Bids were received for the Ward One Drainage project. Mahoney Creek stabilization bids were received. Bids were advertised for the Area 3 drainage project and construction completion is anticipated for the end of 2019. Bids for brush collection have been received and references are being checked.
- There will be a spring burn at the basin next to Tower Car Wash and Holy Cross Hospital.
- The Communication Coordinator position applications have been coming in.
- Early voting continues in City Hall.
- Kane County Department of Transportation will be doing a complete rebuild of the multi-use path on the west side of Kirk Road from Butterfield Road north. The construction would begin in April.
- Department Head annual reports are available on City website and on the City's home page.

### **13. Other**

Mayor Schielke stated only 114 people early voted for the entire week. He surmised there seems to be minimal interest in early voting this year.

Mayor Schielke stated that The Holmstad ballots accidentally left the only person running for the third ward off of the ballot.

Susan Alterson addressed the Committee. She stated that it is a concern that an inaccurate ballot was put out.

Election night is April 2<sup>nd</sup> and there will be no Committee of the Whole meeting that evening.

#### **14. Adjournment**

There being no other business to discuss, Chair Brown asked for a motion to adjourn the meeting at 8:55pm; Made by O'Brien; Seconded by Salvati. Motion carried.