

CITY OF BATAVIA
MINUTES OF THE BATAVIA CITY COUNCIL
May 4, 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 electronic meeting was held on GoToWebinar due to the COVID-19 pandemic and was called to order by Mayor Schielke at 7:30 p.m. The meeting was configured to allow public participation if requested.

2. INVOCATION followed by PLEDGE OF ALLEGIANCE

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

3. ROLL CALL

13 of 14 aldermen were present via phone and/or video at roll call.

Aldermen (by ward): Michael O'Brien (1), Jennifer Baerren (1), Martin Callahan (2), Alan Wolff (2), Elliot Meitzler (3), Dan Chanzit (3), Tony Malay (4), Joe Knopp (4), Abby Beck (5), Nicholas Cerone (6), Michael Russotto (6), Drew McFadden (7), and Keenan Miller (7) were present. Mark Uher (5) was absent at roll call but joined the meeting at 7:38 p.m. prior to the Consent Agenda.

Also present were members of the public and the following:

City Attorney	Roman Seckel
City Clerk	Ellen Posledni
City Administrator	Laura Newman
Director of Public Works	Gary Holm
Director of Human Resources	Wendy Bednarek
Director of Information Services	Howard Chason
Director of Community Development	Scott Buening
Planning and Zoning Officer	Joel Strassman
Water Superintendent	Jeremy Barkei
City Planner	Drew Rackow

4. REMINDER: Please speak into the microphone

Mayor Schielke reminded everyone to use their microphones so the audio is clear for all listeners and the recording.

5. ITEMS REMOVED/ADDED/CHANGED

None.

6. CONSENT AGENDA

Ald. Chanzit read the Consent Agenda as follows.

Accept and place on file:

- A. Committee of the Whole Minutes March 3, 2020 and March 10, 2020
- B. January, February and March 2020 City Council Financial Reports

Approvals:

- C. May 1, 2020 Payroll \$892,811.79
- D. Accounts Payable Check Register \$953,485.42
- E. City Council Minutes for April 20, 2020
- F. **RESOLUTION 20-067-R:** Accepting Plat of Easement and Right-of-Way Dedication. Pat Sliger, A&P Grease Trappers, Applicant. 1740 Hubbard Avenue (JLS 4/21/20 Revised 5/01/20 COW 4/28/20 14/0) CDC
- G. **ORDINANCE 20-33:** Grant of Variance for Side Setback for a Detached Garage in the R4 Multi-Family Medium Density District. Dan Satterfield, Applicant. 227 South Water Street (JLS 4/21/20 COW 4/28/20 14/0) CDC
- H. **RESOLUTION 20-71-R:** Authorizing the Draw on Soil Erosion Letter of Credit for 1780 Hubbard Avenue (SCB 4/28/20) CDC
- I. **RESOLUTION 20-72-R:** Authorizing the Draw on Off Site Roadway/Parking Lot Improvements Letter of Credit for 1780 Hubbard Avenue (SCB 4/28/20)
- J. **RESOLUTION 20-063-R:** Authorizing Execution of a Professional Services Agreement for performing a three-year Water Works system Valve Exercising and Condition Assessment Program with Pure Technologies US (JPB 4/21/2020 COW 4/28/14 14/0) PU

Motion by Ald. Chanzit, seconded by Ald. Russotto, to approve the Consent Agenda as presented. Motion carried 14 yea/ 0 nay/ 0 absent.

7. MATTERS FROM THE PUBLIC: (For Items NOT On The Agenda)

None

8. APPROVAL: Annual Department Head Reappointments (JS 5/01/20)

Mayor Schielke requested that department heads be reappointed through April 20, 2021:

- City Administrator: Laura Newman
- Finance Director & Budget Officer: Peggy Colby
- Fire Chief: Randy Deicke
- Police Chief: Dan Eul
- Public Works Director: Gary Holm
- City Engineer: Rahat Bari
- Human Resources Director: Wendy Bednarek
- Information Systems Director: Howard Chason
- Community Development Director: Scott Buening
- Street Department Superintendent: Bill Kellum

- Public Properties & Services Superintendent: Scott Haines
- Water Department Superintendent: Jeremy Barkei
- WWTP Superintendent: Byron Ritchason
- ESDA Coordinator: Chief Randy Deicke
- ESDA Manager: Mark Davis
- City Attorney: Kevin Drendel

Motion by Ald. Wolff, seconded by Ald. Russotto, to approve the reappointments as presented. Motion carried 14 yea/ 0 nay/ 0 absent.

9. APPOINTMENT: Reappoint Randy Zies Fire and Police Commissioners (JEM 4/23/20)

Mayor Schielke requested the reappointment.

Motion by Ald. McFadden, seconded by Ald. Wolff, to approve the reappointment as presented. Motion carried 14 yea/ 0 nay/ 0 absent.

10. APPOINTMENT: Reappoint Phillip Bus and Doris Sherer to Historic Preservation Commission – Term Expires 10/21/20 (JDS 5/01/20)

Mayor Schielke requested the reappointment.

Motion by Ald. Callahan, seconded by Ald. Wolff, to approve the reappointments as presented. Motion carried 14 yea/ 0 nay/ 0 absent.

11. APPOINTMENT: Reappoint Kurt Hageman and Kyle Hohmann to Historic Preservation Commission – Term Expires 10/21/21 (JDS 5/01/20)

Mayor Schielke requested the reappointment.

Motion by Ald. Meitzler, seconded by Ald. Russotto, to approve the reappointments as presented. Motion carried 14 yea/ 0 nay/ 0 absent.

12. APPOINTMENT: Reappoint Anna Baker and Emma Cole to Batavia Environmental Commission – Term Expires 4/30/23 (JDS 5/01/20)

Mayor Schielke requested the reappointment.

Motion by Ald. Beck, seconded by Ald. Wolff, to approve the reappointments as presented. Motion carried 14 yea/ 0 nay/ 0 absent.

13. CHAMBER OF COMMERCE

Chamber President Margaret Perreault reported that they continue to work remotely in partnership with Aurora, St. Charles and Geneva Chambers to help local businesses during the state’s stay-at-home order. They have spoken with State Representative Karina Villa and will be talking to U.S. Representative Lauren Underwood tomorrow. Tomorrow will be a weekly health checkup with Batavia MainStreet and city staff. The Chamber is acting as a conduit for information to get aid for local businesses. They can be contacted at info@bataviachamber.org.

Local interest groups are meeting weekly via Zoom: Senior Care Group and a Counseling Collaboration group. The Not-for-Profit group will continue monthly meetings, and several other groups are collaborating through the Chamber. The Chamber is also holding webinars for member organizations during the pandemic. The annual golf outing is still being planned for August 28.

Four seniors from Batavia High School will be chosen tomorrow to receive scholarships from the Chamber. Winners will be announced soon.

Residents are encouraged to continue supporting local businesses during this difficult time. Chamber Bucks can be purchased as gift certificates to be used as cash at member businesses when the stay-at-home order is lifted. Many stores are now offering online ordering and curbside pickup. This is also a good time to submit positive reviews online for your favorite businesses. Virtual events are being held as well.

14. ORDINANCE 20-31: Granting a Conditional Use Permit for a Video Gaming Establishment in the DMU Downtown Mixed Use District. RP3 Group LLC dba Riverside Pizza & Pub, Applicant. 142 West Wilson Street (DMR 4/17/20 COW 4/28/14 8/5) CDC

Ald. Callahan introduced the item regarding video gaming at Riverside Pizza. The restaurant has gone through the permitting process and public hearing on April 15. The applicant spoke and there were no comments from the public. The plan is to install five video gaming machines and two cocktail tables.

Ald. Uher said he objects to expanding video gaming in Batavia, noting this has nothing to do with the restaurant or its owners. He reiterated his desire to discuss putting limits on gaming in the city.

Ald. Callahan said he understands the concern and had previously voted against this, but it is currently an allowed use and all rules were followed when the restaurant opened in town with the intention of setting up a gaming operation.

Ald. Knopp joined Ald. Uher in requesting a later discussion about putting limits on video gaming in Batavia.

Motion by Ald. Callahan, seconded by Ald. Wolff, to approve the ordinance as presented. Motion carried 8 yea/ 5 nay/ 1 absent. (Ald. Beck did not vote.)

15. ORDINANCE 20-32: Granting a Conditional Use Permit for a Non-Hazardous Material Recycling Facility in the GI General Industrial District. Pat Sliger, A&P Grease Trappers, Applicant. 1740 Hubbard Avenue (JLS 4/21/20 COW 4/24/20 14/0) CDC
Ald. Callahan introduced the item related to a conditional use permit. A public hearing was held April 15. Several City Council members discussed regulations and precautions regarding potential smell from the operation and hoped to get more information about this issue.

Mr. Strassman contacted the applicant following the meeting and reported that the applicant offering to install an air handling and filtration system as necessary. The ordinance has since been revised to allow the city to force compliance with this request if odor control becomes a problem.

**Motion by Ald. Callahan, seconded by Ald. Knopp, to approve the ordinance as presented.
Motion carried 14 yea/ 0 nay/ 0 absent.**

16. RESOLUTION 20-068-R: Authorizing execution of the Preliminary Engineering Services Agreement with TranSystems for the Prairie Street and Wilson Street Intersection Improvements (TG 4/22/20 COW 4/28/20 14/0) CS

Ald. Wolff introduced the item related to the Prairie and Wilson project. The city received federal funds for the project, and Phase I engineering was completed in 2019. This agreement is for the design and engineering of the intersection and two railroad crossings.

**Motion by Ald. Wolff, seconded by Ald. Russotto, to approve the resolution as presented.
Motion carried 14 yea/ 0 nay/ 0 absent.**

17. RESOLUTION 20-069-R: Authorizing execution of the contract with Pirtano Construction for the 2020 Ward 1 Storm Sewer Reconstruction (TG 4/22/20 COW 14/0) CS

Ald. Wolff introduced the item for continued work on the Ward 1 storm sewer project begun in 2016. Projected completion is September 2020.

**Motion by Ald. Wolff, seconded by Ald. O'Brien, to approve the resolution as presented.
Motion carried 14 yea/ 0 nay/ 0 absent.**

18. ORDINANCE 20-34: Amending Wage and Salary Ordinance (GH 4/22/20 COW 10/4) GS

Ald. Chanzit introduced the item related to the manager of electrical operations position that was created in 2012 at salary grade 21. When the previous manager retired, the salary grade was lowered to 20 in an effort to save money for the city. The recruiting firm did not find a suitable candidate and relayed that the salary was too low. This ordinance would return the position to salary grade 21. The decision was discussed extensively at the last Committee of the Whole meeting.

**Motion by Ald. Chanzit, seconded by Ald. O'Brien, to approve the ordinance as presented.
Motion carried 10 yea/ 4 nay/ 0 absent.**

19. RESOLUTION 20-062-R: Authorizing Execution of a Professional Services Agreement for performing a three-year Water Works system Leak Detection Program with ME Simpson Company (JPB 4/21/20 COW 13/1) PU

Ald. O'Brien introduced the item related to the city's leak detection program in operation since the 1990s to detect any underground water leaks and confirm the integrity of the system. The city is not mandated by the state to perform these checks, but if too much water is unaccounted for, the city will mandate it. The program works well.

Motion by Ald. O'Brien, seconded by Ald. Chanzit, to approve the resolution as presented. Motion carried 14 yea/ 0 nay/ 0 absent.

20. ADMINISTRATOR'S REPORT

Administrator Newman shared that on May 6, Advanced Disposal would be accepting large items for disposal in the North River Street parking lot from 8 a.m. to 3 p.m. A dumpster will be available, and staff will be on-site to verify each item has a sticker, but will not be able to assist residents with unloading items for disposal.

The next brush pickup will be May 11 on the East Side and May 18 on the West Side.

Gov. J.B. Pritzker's latest Executive Order requires the wearing of face masks in public spaces where physical distancing is not possible. The city is collecting donated masks at City Hall, and a drop box is available for donation drop-off as well as for mask pick-up for anyone who needs one.

Staff will participate in a webinar with the Illinois Department of Commerce to discuss \$65 million in grant funds available through the State of Illinois.

Staff is working on a study for the proposed TIF 6 redevelopment project area.

Building permit requests are increasing. Permit documents can be dropped off in the lower lobby at City Hall. City offices are closed, but staff continues to work.

Pavement work is being done in Area 3 this week.

The water main work on North Main Street will require temporary road closures.

Testing is being conducted at the northeast distribution substation.

21. COMMITTEE REPORTS

None

22. OTHER BUSINESS

Ald. Beck shared that on May 6, the Fox Valley Sustainable Network will host a Trends in Infrastructure webinar at 2:00 p.m. The session will look at green infrastructure and its impact on flooding.

Ald. Callahan said the Boardwalk Shops look fantastic and offered a shout out to all of the volunteers. Strong Towns is watching, and sent out a Tweet about the project, as did the mayor of Muskegon, which is the city that inspired the local project. Mayor Schielke added that there is a lot of interest from neighboring mayors who want to tour the shops. Ald. Callahan said he has rewatched the COW when the idea was first discussed, and he applauded the Council for supporting the idea from the very beginning. The project stayed focused from beginning to end.

23. MAYOR'S REPORT

Mayor Schielke acknowledge the community is having quite a dilemma due to the pandemic. This July 4 will be the 70th anniversary of the city's fireworks show, entirely funded by donations, but now it is unclear whether the show can go on due to state restrictions on gathering sizes. The Fireworks Committee will decide in two weeks about how to proceed. He encouraged residents to share their thoughts with the city before the decision is made. Some have suggested the idea of postponing the event until later in the year, perhaps the Sunday of Labor Day weekend.

The June 14 Flag Day Monument groundbreaking ceremony is being tweaked because fundraising still needs to be done before beginning construction. Instead, a sign will be unveiled noting the future site of the monument.

There is a lot of dismay in the business and retail communities about the current restrictions in place due to the pandemic, and some people in Batavia think the Mayor has the power to change the rules of government. There are legal challenges happening that could reverse the current Executive Order, but if cities violate the order now, city insurance could be impacted.

Menards has filed its updated expansion plan for Batavia, so the city is optimistic that the expansion will continue to move ahead as planned.

Many people are ordering food from local restaurants, and business owners are very grateful for the support they are getting from Batavians.

24. ADJOURNMENT

Motion by Ald. Wolff, seconded by Ald. O'Brien, to adjourn. Motion carried by voice vote. The meeting adjourned at 8:36 p.m.

Minutes prepared and submitted by Ellen Posledni, City Clerk, May 23, 2020.