

MINUTES
May 8, 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 7:00pm.

1. Roll Call

Members Present: Chair Brown; Ald. Russotto, Atac (entered at 7:02pm), Stark, Chanzit, Wolff, Salvati, O'Brien, Callahan, Meitzler, Uher, Cerone and McFadden (entered at 7:05pm)

Members Absent: Aldermen Malay

Also Present: Mayor Schielke (entered at 7:06pm); Laura Newman, City Administrator; Gary Holm, Director of Public Works; Wendy Bednarek, Director of Human Resources; 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

Jerry Ruth presented on the Wastewater Treatment Plant monthly update that included project highlights, progress (61%), change orders (1.04%), schedule update and project photos.

5. Resolution 18-55-R: Approving an Intergovernmental Agreement with the Batavia Park District for Dam Signage and Lighting (Gary Holm 5/4/18) CS

Wolff overviewed the memo. Brown asked if there is an ordinance that addresses the fine listed on one of the proposed signs. Holm stated that it would be part of what comes to the Committee of the Whole (COW) as part of this project. Brown asked if the signs state that the dam is owned by the State of Illinois. Holm stated the signs do not.

Brown explained that he would be voting no on this because he does not believe it is our dam to put lights on and signage and we should not accept responsibility on something that does not belong to the City of Batavia. O'Brien asked about the City's liability. Newman answered that the boil in front of the dam is such that it could cause death if someone was trapped in it and the allegation is that the City of Batavia failed to properly warn people of the dangers associated with being in and around the boil of that dam. We have tried to insure ourselves against that risk as a City and the insurance company refuses to insure us unless we take these measures. O'Brien

asked if we take these measures are we accepting ownership of the dam. Newman stated that we have a 1975 City Council meeting minutes where we discussed that in order for IDNR to come in and fix our dams they wanted us to provide them with all our title information to demonstrate to them that we have ownership of the dam such that we could legally provide them with the access needed to conduct those repairs. We also offered to give our ownership of the dam to IDNR. We took an affirmative step to state we no longer want to own the dam and we would like them to own it. Brown stated that the affirmative step was taken to acquire the surrounding property owner ownership. The City handed over the ownership and nothing ever happened to it. Brown stated the intent was there and the State failed on their intent. He concluded we would have to let a judge decide. Newman stated that the City's legal counsel has stated it would probably be found that the City has ownership. Brown disagreed and stated that the City Attorney has stated that he cannot find anywhere that the State owns the dam and when asked if he could find anywhere that the City owns the dam and his response was other than the City Council meeting minutes the answer is no. O'Brien commented that he would support this motion but he agrees with Brown that the dam is not owned by the City.

Motion: To recommend approval of Resolution 18-55-R: Approving an Intergovernmental Agreement with the Batavia Park District for Dam Signage and Lighting

Maker: Chanzit

Second: Stark

Roll Call Vote: **Aye:** Chanzit, Wolff, Salvati, O'Brien, Callahan, Meitzler, Uher, Cerone, McFadden, Russotto, Atac, Stark

Nay: Brown

12-1 Vote, 1 Absent, Motion carried.

6. Information – Electric Utility NERC Deregulation (Gary Holm, No Memo)

Holm reported that when the City put in the 138kv system back in 2006/2007 we became regulated by the Federal Agency through the Northern Reliability Corporation to follow certain steps and standards. These agencies were established to aid in the prevention of rolling blackouts that were happening back in the early 2000's. In 2007, we became subject to some of these rules as part of the 138kv construction and our direct connection to ComEd. When we did that there was a certain deadline that we had to meet and we began doing everything we were supposed to do under that deadline but we did not properly report it and when Holm came to the City in 2008/2009 we had our first audit and we were found in violation. The City ended up paying a large fine. Since then, we have had several systems in place to track all of the procedures and inspections we have to do. We had hired Avant Energy (spelling?) in 2011 to manage all of our reliability reporting.

As time has gone on, definitions have changed and the City became just a distribution provider. They also changed the definition of distribution provider and you are now a distribution provider if your fee is greater than seventy-five megawatts. Our system load is in the low nineties. From our standpoint, there is no argument to be made that one feed is 75 MW and the other feed is 25 MW and from an electron standpoint we consider it 50/50. If you split in half ninety you only have forty-five on each feeder, that is thirty megawatts less than the seventy-five megawatts threshold. The City made that argument to them and they have agreed that we are no longer a distribution provider. Now we do not have any designations under the American Federal Agency

regulations. That is good news. If one day we grow and we cross that 75 megawatt threshold we would go back to being regulated, given the definitions have not changed by then. We do not ever want to find ourselves in the position where we suddenly become regulated and be found not in compliance again. Even though we are not officially regulated we still want to practice the same practices. Staff is still considering whether or not we will continue to employ Avant Energy. Holm stated that we do have funds for them in this year's budget but he will report back to the COW on whether or not we will continue their services for next year's budget. There are still records that need to be recorded.

7. Discussion: Referendum for Term Limits (Alderman Uher)

Uher noted that this discussion is not a sign of disrespect in any way to those who have served on the Council for many years. Uher stated that there was a time where you could see the dysfunction in the State and Federal level because they do not have term limits. Uher would like to send a letter demanding that they set term limits and then wondered if he was being hypocritical because we do not have term limits here at the municipal level. He would suggest that this go onto a referendum to get the citizen's input. He understands that sometimes it is hard to fill all the seats at the municipal level and those serving are not paid the same amount as 'career politicians.' Uher stated that he would recommend four term limits, sixteen years total.

The Committee discussed the possibility of a referendum for term limits and the comments were as follows:

- People tend to lump all politicians into the same pile, from the federal level to the State level and City level.
- It's important to have more experienced aldermen on the Council for knowledge on the City history. There is an importance to have a balance of new and longer termed aldermen.
- Four terms and that's it, you cannot come back and serve any more terms.
- General support of four terms. Anything less would be a disservice to the City.
- We make \$4,800 a year and none of us are career politicians. There is no campaigning. We are not in this for the money.
- At the City level, term limits are not necessary. Putting it to referendum would be the only way it could be considered.
- Each individual election should be its own term limit.
- Term limits should be applied elsewhere but would not really work in the City.
- Unless the citizens would like to make this into a referendum then we should not do it.
- There is a mechanism for citizen referendum for the citizens to bring this to the ballot. They could do that if they would like to.
- Term limits could potentially cause us to lose institutional knowledge that is incredibly valuable.
- It takes so long to implement our plans. With turn over, plans get disrupted when there is a big change in Council members. Not in support of term limits.
- Does not support term limits because the election process provides term limits. People who have been here longer do bring value to the Council and would not support any type of referendum proposed by us for term limits.

The consensus of the Committee was to not move forward with a referendum for term limits at this time.

8. Project Status

Newman reported on the following:

- A new restaurant is proposed to fill another restaurant space on Randall Road. The name of the proposed restaurant is Crab Boil. More details to come.
- Tri-City Family Services would like to tie green ribbons around the trees in the downtown area in recognition of mental health awareness. There was no objection from the Committee.
- Short-term rentals on properties are gaining popularity. Municipalities are starting to implement regulations associated with these types of short-term rentals. The City of Batavia will begin drafting such regulations for the COW to review. There was no objection from the Committee.
- No meeting on Tuesday, May 29th.
- The City is sponsoring a bulldog for Bulldogs Unleashed on June 10, 2018. A map of all the bulldogs around town will be created.
- Power outage and other emergency notification process are going into place on May 14th.

9. Other

Holm reported that four weeks ago staff came to the COW regarding a well rehab project. Well #8 has been a great producer for us and we would like to get that well back online before summer. We wanted to do Well #8 first and then get to Well #6 second. About ten days ago Well #6 completely stopped working so the plan was flipped and Well #6 will be fixed first. Upon inspection of Well #6 we are now aware that it needs to be completely replaced. The original budget was \$60,000 for each well but now it looks like all the money will be going towards Well #6. Well #8 has now fallen off the well curve, which means it is not operating properly. Staff will have to come before the COW with a budget amendment to address Well #8. We hope that Well #8 will continue to be a rehab project and not a full replacement.

10. Executive Session: Collective Bargaining

11. Executive Session: Personnel

Motion: To enter into Executive Session for Collective Bargaining and Personnel

Maker: McFadden

Second: Stark

Voice Vote: 13 Ayes, 0 Nays, 1 Absent

Motion carried.

The Committee entered Executive Session for Collective Bargaining and Personnel at 8:29pm and exited at 9:06pm.

12. Adjournment

There being no other business to discuss, Chair Brown asked for a motion to adjourn the meeting at 9:07pm; Made by O'Brien; Seconded by Salvati. Motion carried.

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Minutes respectfully submitted by Jennifer Austin-Smith