

CITY OF BATAVIA
MINUTES OF THE BATAVIA CITY COUNCIL
May 21, 2018, 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. Brown led the Pledge of Allegiance.

3. ROLL CALL

14 of 14 aldermen were present.

Aldermen (by ward): Scott Salvati (1), Michael O'Brien (1), Alan Wolff (2), Martin Callahan (2), Dan Chanzit (3), Elliot Meitzler (3), Susan Stark (4), Anthony Malay (4), Lucy Thelin Atac (5), Mark Uher (5), Michael Russotto (6), Nicholas Cerone (6), David Brown (7) and Drew McFadden (7) were present.

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

City Administrator	Laura Newman
City Clerk	Ellen Posledni
Fire Chief	Randy Deicke
Police Chief	Daniel Eul
City Attorney	Kevin Drendel
Community Development Director	Scott Buening
Director of Public Works	Gary Holm
Finance Director	Peggy Colby
Human Resources Director	Wendy Bednarek
Economic Development Consultant	Chris Aiston
Administrative Assistant	Anthony Isom
Planning & Zoning Officer	Joel Strassman

4. ITEMS REMOVED/ADDED/CHANGED

None.

5. CONSENT AGENDA

Ald. Atac read the Consent Agenda as follows:

Accept and Place on File:

- A. Committee of the Whole Minutes for April 17, 2018 and April 24, 2018
- B. Historic Preservation Commission Minutes for April 23, 2018
- C. Building Report for April 2018
- D. 2018 Post Issuance Compliance Report (PLC 5-16-18)

Approvals:

- E. May 18, 2018 Payroll \$806,340.27
- F. Accounts Payable Check Register \$4,933,262.23
- G. City Council Minutes for April 16, 2018 and May 7, 2018
- H. **ORDINANCE 18-32:** Declaring Surplus Property (SH 5/8/18 COW 5/15/18 11/0)CS
- I. **RESOLUTION 18-61-R:** Authorizing Application for Kane County 2018 Community Development Block Grant (SCB 5/2/18 COW 5/15/18 11/0)CD
- J. **RESOLUTION 18-63-R:** Authorizing Acceptance of Grant and Funding Agreement with the Illinois Housing Development Authority (SCB 5/7/18 COW 5/15/18 11/0)CD

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

6. MATTERS FROM THE PUBLIC: (For Items NOT on the Agenda)

None.

7. MAINSTREET MINUTE

Cathy McNally from Batavia MainStreet announced that June 2 would be a busy day downtown, with the kickoff of the Batavia Farmers Market, which will attract thousands of shoppers every Saturday through the summer and fall. Thirty-five vendors will be set up weekly, and artisans will also set up on the third Saturday of each month. Katrina's and Xfinity are sponsors of the market. June 2 will also be the annual 5K race sponsored by Power Moves Yoga. And, the Well Batavia Festival, produced by the Well Batavia Initiative, will also have health and wellness booths and events on River Street the same day. Health and wellness seminars also are being held on Thursdays during May. Most of them have been hosted by the Tea Tree.

Cocktails in the Park tickets are now on sale, and ticket sales will be capped at 500.

Volunteers are always needed. Go to downtownbatavia.com for more information.

8. PROCLAMATION: Public Works Week May 20, 2018 – May 26, 2018 (GH 4/02/18) CS

Ald. Atac read the proclamation declaring National Public Works Week in Batavia.

Motion by Ald. Atac, seconded by Ald. Stark, to approve the proclamation as presented. Motion carried 14 yea/ 0 nay/ 0 absent.

Director Holm was on hand to accept the proclamation and remind citizens that public works employees are considered first responders in emergencies. In honor of the week, Director Holm

will be part of Truck Tales at the Batavia Public Library, reading truck stories to children tomorrow at 10 a.m.

9. PRESENTATION: Youth Outlook – Peter Thaddeus

Ald. Chanzit introduced Mr. Thaddeus, founder of Youth Outlook, the only organization in Illinois focused exclusively on serving LBGTQ+ youth, and expressed his appreciation for the organization’s work with local youth.

Youth Outlook runs seven drop-in centers that offer special programming for youth and parents. Youth Outlook was founded in 1998. In 2000, the average age of youth participating was 17; now, the average age is 13. The centers offer a place where youth can go for discussions, activities, life skills education and a sense of community with other youth. Mr. Thaddeus offers a Healthy Relationship program at all seven sites and also does art projects that help youth express their feelings. Youth Outlook also offers programming in schools and workplaces to help educate the general community about issues that LBGTQ+ people face. The organization is involved with Gay-Straight Alliances and is a sponsor of the Aurora Pride Parade that will be held on Sunday, June 17, at noon.

On July 12, Youth Outlook will host a tour of the Geneva drop-in site. Meetings are held at the Geneva site on the second and fourth Thursdays of the month from 6:30 to 9:00 p.m. at the Unitarian Universality Society of Geneva, 102 S. 2nd Street. More information about Youth Outlook is available at youth-outlook.org. Mr. Thaddeus can be reached at peter.thaddeus@youth-outlook.org, and general questions can be emailed to info@youth-outlook.org.

Ald. O’Brien offered praise and thanks for the important work Youth Outlook is doing.

10. PROCLAMATION: Youth Outlook 20th Anniversary

Ald. Atac read the proclamation congratulating and praising Youth Outlook for its 20 years of service to local youth.

Motion by Ald. Atac, seconded by Ald. Chanzit, to approve the proclamation as presented. Motion carried 14 yea/ 0 nay/ 0 absent.

11. RESOLUTION 18-64-R: Consider Application For Downtown Improvement Grant Moser 119 S. Batavia Ave. (CA 5/8/18 COW 5/15/18 13/0) CD

Ald. Stark introduced the resolution regarding a grant request for the building adjacent to Beardsgaard Barbers. She noted the building is a great addition to the block. The grant would help pay to relocate the air conditioning unit in order to help restore the building to its original condition. The grant amount is \$4,435. Consultant Chris Aiston noted that the owner of the building wasn’t able to be in attendance, but Mr. Aiston supports the use of grant funds for this project.

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

12. RESOLUTION 18-55-R: Approving An Intergovernmental Agreement With The Batavia Park District For Dam Signage And Lighting (GH 5/4/18 COW 5/8/18 12/1) CS

Ald. Wolff introduced the item related to the signage and lighting on the dam. Ald. O'Brien asked why the Park District was not contributing funds for the project, and Ald. Wolff responded that the city owns the dam. Ald. O'Brien said that ownership is debatable. He asked if the city is now insured, and Ald. Wolff said it is not yet insured. Mayor Schielke added that nothing is easy when it comes to dealing with the State of Illinois.

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

13. RESOLUTION 18-67-R: Authorizing The Execution Of An Agreement Between The City And IBEW Streets 2018 (WCB 5/21/18) GS

Director Bednarek introduced the resolution, an agreement with the IBEW Streets Department employees. It is a one-year agreement, and negotiations will open again in the fall for a longer-term agreement.

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

14. RESOLUTION 18-68-R: Authorizing The Execution Of An Agreement Between The City And IBEW Electric 2018 (WCB 5/21/18) GS

Director Bednarek introduced the resolution, an agreement with the IBEW Electric Department linemen and crew leaders. It is a one-year agreement, and negotiations will open again in the fall for a longer-term agreement.

Ald. O'Brien noted he is very proud of the city's electric utility and the service these employees provide to the city. Response time for outages is always very fast.

Mayor Schielke thanked Ms. Bednarek and the Human Resources Department for their good work on the negotiations.

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

15. RESOLUTION 18-65-R: Authorize Execution Of A Contract With Lakeshore Recycling Systems, LLC For Solid Waste Services, Option #1 Sticker Based Program (GH/SH 5/11/18 COW 5/15/18 8/5) CS

Ald. Wolff introduced the item related to a waste hauling contract with the city. City staff was directed in January to work with the cities of Geneva and St. Charles to develop an RFP for tri-city solid waste services. Separate proposals were required for each municipality. Requirements in the RFP for Option 1 included yard waste collection for the first two weeks of the season without stickers; pricing for electronic waste recycling with stickers; cost for spring clean-up; ability for residents to add food scraps to yard waste. Option 2 provided different criteria. The RFP was advertised publicly, and proposals were sought from several vendors. Option 1 was approved at the COW meeting and is similar to what is in place currently, with sticker and toter options.

Ald. Wolff noted that in his years on the council, he has never received such one-sided feedback from the public about an issue. He believes in the long run, a pay-per-tip option would be better, but he also noted he is against changing vendors. He said Advanced Disposal has done an exemplary job for 15 years.

Ald. Chanzit agreed that he has never seen the public say they should take a higher bid. Advanced Disposal submitted a new bid last Friday that was lower than its initial bid, but it is still higher than Lakeshore's bid. It makes him think the lowest bid might be a low-ball bid, and he is prepared to go with Advanced Disposal because of their strong track record.

Ald. Stark said she doesn't normally hear from so many people, but citizens and community organizations have overwhelmingly praised Advanced Disposal. She said she heard from people on fixed income who said they didn't think saving a few extra dollars a month would be worth going with a new vendor.

Ald. Atac said it's not often they get people asking the city to not go with the lowest bid, and she is concerned about the precedent this sets going into budget time. She questioned Advanced Disposal being billed as a "local" company, when it is actually headquartered in Florida, is traded on the NYSE and has sales of roughly \$1.5 billion annually. She said Lakeshore is truly a local company, headquartered in Morton Grove, and evidence shows that Lakeshore is competent.

Ald. Salvati noted this was not a sealed bid, but an RFP. The incumbent vendor has done a wonderful job, which merits consideration. Lakeshore came in with a strong bid. Advanced Disposal's second bid was lower than the first, but they have a larger infrastructure and it probably costs them more to do business. He has heard nothing but praise for Advanced Disposal. He said in the end, citizens will save money with the new bid from Advanced Disposal.

Ald. Brown said that no matter what the decision, it will work out fine. He said both vendors are good and both will offer good service. He has reached out and asked residents, including elderly residents on a fixed income, and all said to stay with Advanced Disposal. He said even though the company isn't local, they do have facilities in Batavia, employ Batavians and support community events. It is also important to consider that Advanced Disposal operates the waste transfer station in Batavia.

Ald. Atac asked Director Holm if the proposals were based on all three cities going with the same company. Director Holm said no.

Ald. Russotto said the city went with an RFP because the initial proposal was a rate increase from Advanced Disposal. No citizens have told him to go with a higher bid.

Ald. Callahan asked Director Holm if Advanced Disposal's fleet is 100 percent compressed natural gas. Director Holm said he believes the fleet that services Batavia is, and he assumes Lakeshore uses diesel. Ald. Callahan said he is looking at the totality of the proposal and what is

most advantageous to Batavia. Advanced Disposal's fleet is the most environmentally responsible, which is an agreement Batavia has made.

Ald. Meitzler said he has been trying to save money for Batavia residents. He appreciates Advanced Disposal's service. Since the COW meeting, he has been flooded with messages supporting Advanced Disposal.

Ald. Malay said that all contacts he's received have said to stay with Advanced Disposal, and that clearly seems to be what constituents want. He noted that the transfer station is a revenue source, and waste removal is labor-intensive. When a company comes in with a much lower bid, he wonders how they are able to offer such low rates. He said we have good service now with skilled laborers.

Ald. Uher said some residents have suggested that the city should go with the lowest bid. There has been an aggressive campaign to promote Advanced Disposal. Even though the company submitted a second bid, it still did not lower the monthly total cost even though sticker prices were lower.

Ald. Cerone noted that they have been inundated with emails supporting Advanced Disposal, but it's still a tiny percentage of citizens. He said those who support Advanced Disposal are likely part of a PR push by the company, and he is concerned that not accepting the lowest bid sets a precedent for future decisions.

Ald. O'Brien said that the city offered Advanced Disposal a no-bid contract last fall and the company actually raised rates. Their initial bid lowered rates, and the third bid submitted on Friday was lower still, but not low enough. Advanced Disposal has done a great job, but only a tiny percentage of residents have weighed in on it. Lakeshore has been vetted. He said this is just picking up trash, and he believes that Lakeshore will do a fine job of picking up the trash.

Ald. McFadden said that usually you hear everyone say to take the lowest bid, but the responses on this have been to pick the most expensive option. He said when the price of toters goes down, people won't complain.

Ald. Stark said she appreciates all that staff did on this and calls the situation the art of negotiating. She said businesses don't give the best offer initially. Staying with Advanced Disposal is a win all the way around.

Ald. O'Brien said we gave Advanced Disposal the opportunity to offer the best price. We had a 15-year relationship with the company and we trusted them to give us a good price. They could have offered a better price. He said his family would benefit by going with Advanced Disposal, but the Lakeshore bid will benefit most citizens in Batavia.

Ald. Callahan said that no residents are angry about the costs of the wastewater treatment plant because it's essential work. Garbage is also essential work, and people know who they want.

Ald. Cerone noted that the city was not proposing eliminating waste removal.

Ald. Callahan said citizens remember having bad service, and Advanced Disposal has offered good service. His neighbors have all had the same opinion.

Ald. Salvati said that Lakeshore is aggressively growing and wonders if that could be a red flag for Batavia. Rapid growth could be a problem, and he wonders if it could create logistical issues.

Ald. Cerone said people probably said the same thing about Advanced Disposal 15 years ago.

Ald. Russotto noted that for the wastewater treatment project, the city always went with the lowest bids, regardless if the company had local ties or not. He reminded the council that the reason they were having the conversation tonight is because Advanced Disposal chose to raise their rates.

Mayor Schielke said he has talked to other mayors about Lakeshore, and he has heard nothing but glowing reviews. However, he said Advanced Disposal has supported a number of key community events over the years, and the company deserves some credit for that. He said with Sam's Club leaving, the city is still uncertain about how much of a hit the city will take, as sales taxes run about three months behind, but it could be a \$400,000 to \$500,000 hit. Rumors are that city's should prepare for a 10% hit on LGDF funds from the state, which could be another \$250,000 hit. The waste transfer station brings in \$520,000 to \$590,000 a year for the city, and Advanced Disposal runs that station. Lakeshore said they would keep using it, but Advanced Disposal also has other accounts they bring into the transfer station.

The Mayor continued that we should err on the side of what we have. He said the waste transfer station is a golden goose in Batavia, and if we lose that, we will be raising taxes and laying off employees. He said a lot of people were against the waste transfer station but Advanced Disposal has managed it very well with no complaints. They are running a responsible business.

Atty. Drendel noted that a motion on the resolution could be made in the affirmative or in the negative.

Ald. Cerone asked if Geneva and St. Charles use the waste transfer station today, and Atty. Drendel said they do. Ald. Cerone said with those cities going with a different vendor, their waste will likely go elsewhere.

Ald. Brown said if the resolution is denied, he assumes a motion will be made to approve Advanced Disposal, and the company's latest proposal should be considered.

Atty. Drendel suggested that if the council goes that route, the latest proposal should be made known. Ald. Wolff suggested it should be reviewed at the next COW. Ald. Brown disagreed, saying it leaves the door open for anything to happen over the coming week. Ald. Wolff asked if everyone was comfortable with the numbers that were in the email last Friday.

Ald. Salvati said he didn't think everyone was comfortable, but that eight of them are.

Ald. Cerone asked if the contract even mattered since the council will be voting to go with the company anyway. Ald. Wolff said he is going with the bid in a responsible way. He added that whatever company is the waste hauler in Batavia, they will be obligated to use the waste transfer station in Batavia regardless of who owns it.

Motion by Ald. Wolff, seconded by Ald. Salvati, to approve the resolution as presented. Motion failed 6 yea/ 8 nay/ 0 absent.

Motion by Ald. Wolff, seconded by Ald. Chanzit, to amend and approve Resolution 18-65-R to execute a contract with Advanced Disposal Services, Inc. for solid waste services, Option #1 Sticker Based Program, with prices as outlined in the revised proposal dated May 17, 2018, and pursuant to the same terms outlined in the RFP issued by the City on April 20, 2018.

Ald. O'Brien noted that Advanced Disposal has given the city three prices, and this vote would go with the last price. Lakeshore is now out of the picture because of the last vote.

Ald. Uher said he was disappointed that there was no reduced pay-per-tip price, which he said makes waste hauling more efficient and better for everyone. As a result 35-40% of Batavians will see no reduction in cost. He wants to see something done about that.

Ald. Chanzit noted that during discussions, the company said they do have chips in the bins, but Ald. Uher said the company said they have not had success using that system yet. Ald. Chanzit noted that if negotiations would be ongoing with city staff and the possibility of getting those chips in use in Batavia is an option, it is something they would entertain. Ald. Uher agreed.

Motion carried 10 yea/ 4 nay/ 0 absent.

16. ORDINANCE 18-29: Amending Ordinance 17-15 For A Major Amendment To A Planned Development Overlay District For One Washington Place 111-133 East Wilson Street And 20 North River Street, 1 N. Washington, L.L.C., Applicant (JS 5/18/18 COW 5/15/18 7/6) CD

Ald. Stark asked Administrator Newman if there was any update on the soil mitigation work. Administrator Newman said city staff met with the environmental consulting firm that did the soil testing. The firm would be coming up with a work change order for remediation that would allow staff to then determine an estimated cost for the work. Ald. Stark asked if there is more information on the soil issue that would influence the council's decision on tonight's vote, and wondered if this was the right time to be holding a vote on the item. Administrator Newman responded that the two issues are independent of each other.

Attorney Drendel concurred, saying the two issues are independent in the city's agreement with the developer, and the environmental issue would be dealt with separately.

Ald. Uher asked what the city's obligation is to clean up the soil. Attorney Drendel responded that if the ground is not disturbed, there is no change in the current situation. If the ground is disturbed, he does not know if the soil can be kept in the ground, perhaps with some type of

barrier. The soil may or may not have to be moved off site. Those issues are still to be determined.

Ald. Chanzit noted that either way, it is the city's responsibility to take care of the problem. Ald. Uher said he understood that, but another company came along with a proposal that did not involve disturbing the parking garage, it could be left alone. Ald. Chanzit said he has considered that possibility as well, but he can't envision a way that that could work.

Ald. O'Brien added that other parcels in the area besides that under the garage are also affected. Administrator Newman concurred, saying the northeast corner seems to be the most affected area.

Ald. Wolff said that nothing will ever get built on the site if the soil issue is not resolved. Atty. Drendel noted that because the city owns the property, there may be grant funds available to help pay for cleanup.

Ald. Stark explained that this ordinance amends Ordinance 17-15 regarding the garage geometrics and heating. The currently item being considered was approved 7 – 6 at the COW meeting.

Ald. Callahan reminded the aldermen that this item is before them because of the removal of commercial property. This is not just a tweaking to the parking.

Ald. O'Brien agreed. He added that this change does not affect the bond. He said it will all be paid through the TIF district. The city is losing 8,000 square feet of retail space, but by making the downtown more walkable, it will attract more retail.

Motion by Ald. Stark, seconded by Ald. McFadden, to approve the ordinance as presented. Motion carried 8 yea/ 7 nay/ 0 absent. Mayor Schielke cast the tie vote.

17. ADMINISTRATOR'S REPORT

Administrator Newman thanked everyone who participated in the Strategic Plan meeting. The next one will be held June 11 from 7 to 10 p.m. to consider the SWOT analysis.

In Community and Economic Development, there has been a tremendous amount of activity with vacant spaces close to being leased.

Plan Commission will hold hearings on variances for several properties as people are remodeling and upgrading their homes.

New windows have been approved for 12 N. River Street.

Staff has met with representatives at the Windmill Landings project to discuss remaining items that need to be submitted, and a meeting will be scheduled to get the project underway.

Staff is finalizing application for the HUD grant that the city received.

The party that had planned to buy the city's property on Water St. has withdrawn the offer because the project was determined to not be financially feasible, so the property will again be advertised for sale. Two other parties expressed interest while this contract was pending.

In Public Works, summer plantings and hanging baskets are being installed. Water main work continues on Morton St. in preparation for the storm sewer separation project planned for later this year. The city has taken delivery of the new sewer truck, and staff has been trained in its operation. Electric crews are working on an overhead project in the Highlands. The city is moving forward with plans to install a temporary motor and pump in Well #6 while the permanent parts are being manufactured and delivered.

The City Hall masonry and windows contractor has begun to mobilize and will begin the project June 1.

Ald. Stark expressed thanks for the fast-alert system the city has implemented to alert Council members about emergencies unfolding in the city. She also added that her power went out recently and was restored within 90 minutes, noting that our electrical utility services are so reliable and the staff does a phenomenal job. The city employs only 13 people in the Electrical Department.

The Batavia Triathlon will be happening again downtown, and the organizer met with the Mayor and Administrator Newman to discuss logistics. The Mayor noted that this is the 15th year of the race, and the bike portion always poses the most challenges for safety. Kane County said the construction on Main Street may not be done in time for the race, so the organizer is working with the city on an alternate route. Mayor Schielke said when the race began 15 years ago, churches in particular were not happy about the parking and traffic situation on Sunday morning, but the race has created a route that avoids churches and ends at the VFW so that alcohol can be served, and it works much better now while benefiting the VFW as well.

Ald. O'Brien asked why the solid waste contract was an RFP and not a sealed bid. Director Holm said that it has to do with the nature of solid waste contracts. Atty. Drendel explained that garbage service is not subject to bidding because it's a service. Director Holm added that there is no expenditure of city funds.

18. COMMITTEE REPORTS

Ald. Brown said the next COW meeting will be held May 22 at 7:00 p.m, with 13 items on the agenda including several ordinances. No Plan Commission meetings are scheduled. The next COW is scheduled for May 29, but it will likely be canceled.

Ald. Atac said government services would have one item on the COW agenda.

Ald. Wolff said a change order for the City Hall windows project would be on the next COW agenda.

Ald. O'Brien said public utilities would not have any agenda items for the rest of the month.

19. OTHER BUSINESS

Ald. Callahan offered congratulations to Batavia's newest Eagle Scouts, Jacob Barth, Ryan Prier, and Logan Cannon. He presented to them proclamations from Mayor Schielke. He also reminded everyone that Naval Officer Ryan Beckman would be interred at the River Hills Cemetery. He was an Aurora resident who was killed 76 years ago on the U.S.S. Oklahoma at Pearl Harbor. His remains were identified via DNA. There will be a short service at Healy Chapel in Aurora at 1 p.m. on Memorial Day, and then a procession to the cemetery. The VFW will operate a shuttle from their parking lot to the cemetery.

20. MAYOR'S REPORT

Mayor Schielke said that Sunday, June 10, will be the Flag Day Ice Cream Social to benefit Batavia Fireworks. Bulldogs Unleashed will also be on display, and other entertainment will be going on for several hours in the afternoon. Aldermen and spouses are being asked to volunteer to scoop ice cream.

Mayor Schielke noted that the 4th of July Fireworks Show is about a month away that draws 15,000 to 20,000 people every year. Many donations have been offered, so the show will once again be paid for solely with donations in its 68th year. The event pays tribute to American history and to service members. It is always a big party in Batavia and we should be proud.

21. ADJOURNMENT

Motion to adjourn by Ald. Brown, seconded by Ald. Salvati. Motion carried by voice vote.
The City Council meeting adjourned at 9:37 p.m.

Minutes prepared and submitted by Ellen Posledni, City Clerk, May 31, 2018.