

CITY OF BATAVIA
MINUTES OF THE BATAVIA CITY COUNCIL
June 1, 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

14 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), Mark Uher (5), Abby Beck (5), Nicholas Cerone (6), Michael Russotto (6), Drew McFadden (7), and Keenan Miller (7) were present.

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 Information Services	Howard Chason
Fire Chief	Randy Deicke
Community Development Director	Scott Buening
Police Chief	Dan Eul

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

Ald. Chanzit requested that an Executive Session be added after the Mayor’s Report and to move agenda item No. 11 to the Consent Agenda as item K.

Motion by Ald. Chanzit, seconded by Ald. Russotto, to amend the agenda as requested. Motion carried 14 yea/ 0 nay/ 0 absent.

6. CONSENT AGENDA

Ald. Chanzit read the Consent Agenda as follows.

Accept and place on file:

- A. Committee of the Whole Minutes March 24, 2020, April 14, 2020 and April 28, 2020
- B. 2020 Post Issuance Compliance Report (PLC 5-22-20)

Approvals:

- C. May 19th, 2020 Payroll is \$4,448.97 and May 29th Payroll is \$885,653.11
- D. Accounts Payable Check Register \$1,146,228.93
- E. City Council Minutes for May 4, 2020 and May 18, 2020
- F. **APPROVAL:** April 2020 City Council Financial Report
- G. **APPROVAL:** COW Executive Session Minutes March 10, 2020
- H. **RESOLUTION 20-074-R:** Accepting a Deed of Dedication for Main Street at 1033 Main Street (SB 5/04/20 COW 5/26/20 14/0) CD
- I. **RESOLUTION 20-065-R:** Authorizing execution of low interest loan for Public Water Supply with the Illinois Environmental Protection Agency in the amount not-to-exceed \$860,000.00 (AMP 5/21/20 COW 5/26/20 13/0) CS
- J. **RESOLUTION 20-066-R:** Authorizing execution of low interest loan for WPS with the Illinois Environmental Protection Agency in the amount not-to-exceed \$850,000.00 (AMP 5/21/20 COW 5/26/20 13/0) CS
- K. **RESOLUTION 20-075-R:** Awarding a Grant under the Downtown Signage Assistance Grant Program within the Downtown Historic District for Soma Studio, 5 N. River Rd. (CA/LN 5/18/2020 COW 5/26/20 14/0) CD

Motion by Ald. Chanzit, seconded by Ald. Knopp, 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. CHAMBER OF COMMERCE

Chamber President and CEO Margaret Perreault reported that the Chamber is continuing to support local businesses during the pandemic and the recent protests. They are also working with other local chambers.

She shared several upcoming events, with details available on the Chamber website and Facebook page. The Chamber has assembled several interest groups to bring together members

with similar interests for brainstorming and collaboration. Groups have been assembled for restaurants, retailers and counselors.

Batavia Bucks are now available in \$10 denominations. They can be purchased over the phone or at the Chamber; call first.

The Batavia Reconnected Revival Committee is working on strategies to help businesses survive the pandemic. One suggestion is to redirect funds for the Gateway Improvement Fund to support local businesses that have incurred expenses to follow safety guidelines during the pandemic. Funds will be capped at \$1,500 per business and open to businesses with fewer than 10 employees. Funds will be available through June 30 on a first come, first served basis. Grant applicants are asked to purchase necessary supplies from a supplied list of local businesses.

Ald. Wolff and Ald. O'Brien said they support the request.

Mayor Schielke said Batavia has enjoyed a major influx of small businesses moving downtown and thriving, making downtown stronger and more attractive. He said this would be the right move at the right time.

Ald. Callahan agreed, noting that the money is for economic development and funds will be supporting public safety.

Motion by Ald. Wolff, seconded by Ald. O'Brien, to use the funds from the Gateway Improvement Grant to provide grants to small businesses in Batavia for improvements made to comply with state guidelines for safe operation during the pandemic. The new grant program will be administered by the City of Batavia in cooperation with Batavia MainStreet and Batavia Chamber of Commerce. Motion carried 14 yea/ 0 nay/ 0 absent.

9. DISCUSSION: Request from N. River St. Business Owner to Change the Northern Boundary of the N. River St. Closure Area. (Melissa Hartman/The Tea Tree) CD

Mayor Schielke shared that business owner Melissa Hartman is concerned about the impact of the pending closure of River Street on her business during a time when curbside pickup is popular, especially with elderly shoppers. She is asking that the street closure end at State Street.

Ms. Hartman noted that this request is not meant to be long term; she would like to try it for a couple of weeks to see if curbside delivery wanes or continues to be an essential service. She noted many customers are still uncomfortable coming into the shop, and if she has to walk further to meet customers at their car, she would have to hire another employee.

Administrator Newman noted that complete street closure is still pending IDOT approval, and approval may not come for a couple of weeks. At this time, River Street is open for one-way traffic.

Ald. O'Brien noted he is an advocate for closing River Street brick to brick, but he is open to trying this approach to accommodate The Tea Tree.

Ald. Beck agreed, saying that after seeing the density of tables available now, stopping at State Street and seeing how popular River Street becomes is an acceptable solution.

Ald. Cerone noted that the current request lends itself to being nimble; it is good that the request has been sent to IDOT, but the city does not have to execute the full closure right away.

Ald. Callahan said he spoke with Ms. Hartmann over the last week and said it's important to be as nimble as possible. Other options may also be possible, such as adjusting the days and times of full closure. It's important that everyone have a voice in the approach, as this is new territory for all.

Motion by Ald. Callahan, seconded by Ald. Beck, to change the proposal to shut down River Street by only closing it to State Street rather than brick to brick upon IDOT authorization. The decision to extend brick to brick may still be made at a future time. Motion carried 14 yea/ 0 nay/ 0 absent.

10. MOTION: To Approve Bid and Sale of Land at 919 Smith Court to Dale and Melinda Rudy for \$12,083.00 in in-kind services (SCB 5/18/20) CD

Ald. Callahan introduced the item related to approval the sale of land at 919 Smith Court. The city accepted bids for the property with the new sidewalk. The sale was authorized in January. In exchange for the property, the buyers have agreed to pay to connect 921 and 934 Carlisle to the city's electrical utility. The vote requires a 2/3 majority to pass.

Mayor Schielke encouraged approval of the motion. Ald. Callahan added that the buyers are great property owners who have taken care of this parcel over several years.

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

11. RESOLUTION 20-075-R: Awarding a Grant under the Downtown Signage Assistance Grant Program within the Downtown Historic District for Soma Studio, 5 N. River Rd. (CA/LN 5/18/2020 COW 5/26/20 14/0) CD

This item was moved to and approved on the Consent Agenda.

12. ORDINANCE 20-35: Amending the Official Zoning Map for a GC General Commercial District with PD Planned Development Overlay District. 300 North Randall Road, 1899 and 1990 McKee Street. Menard Inc. Applicant (DMR 5/22/20 COW 5/29/20 14/0) CD

Ald. Callahan introduced the item related to the pending Menards expansion.

Director Buening noted that the expansion will involve incorporating a new parcel of land and moving water retention across the street. The approval will allow the addition of a 20,000-square-foot accessory building and establish a backup SSA if Menards fails to maintain the new basin. The next item, RES 20-077-R, will consolidate the parcels under one lot.

Tyler Edwards of Menards noted that the store will be adding features. It has worked out a good plan for stormwater that will allow them to stay in Batavia.

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

13. RESOLUTION 20-077-R: Approving a Final Plat of Subdivision for Menard Batavia Second Re-subdivision. 300 North Randall Road. Menard Inc., Applicant (DMR 5/22/20 COW 5/26/20 14/0) CD

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

14. RESOLUTION 20-064-R: Authorizing Execution of a contract with Performance Construction & Engineering, LLC for the Area 3 Storm Sewer Separation – Phase 3 in the amount not-to-exceed \$1,979,766.00 (AMP 5/21/20 COW 5/26/20 13/0) CS

Ald. Wolff introduce the item related to the final phase of the new storm sewer system in Ward 2 on the west side. Problems in the area were identified in 2015 – 2016, and this is one more step toward correcting the issue.

Ald. O'Brien said this is a great deal of money, but it is money well spent. It will lighten the load on the wastewater treatment facility and prevent sewage backup in area homes.

Ald. Meitzler inquired about the difference in the amount in the resolution and the amount noted on the agenda. Ald. Wolff said the actual resolution adds a 10% contingency to the approved amount. Two low-interest loans for \$850,000 and \$860,000 will help pay for the project. The bid came in \$250,000 lower than was estimated by Engineering.

Mayor Schielke said the city has been well served by its engineers.

Motion by Ald. Wolff, seconded by Ald. Callahan, to approve the resolution that includes the 10% contingency amount (\$2,000,680.00). Motion carried 14 yea/ 0 nay/ 0 absent.

15. RESOLUTION 20-079-R: Authorizing a Contract with WGI, Inc. to Provide Parking Consultant Review Services on behalf of the City for One Washington Place (GH 5/21/20 COW 5/26/20 9/4) CS

Ald. Wolff introduced the item related to One Washington Place and the new parking garage that will be owned by the city. This authorizes paying a consultant to review the project design. Payment for this comes from the city's budget for the project for professional services related to the TIF.

Ald. Uher noted that he raised objections to this plan last week, but he will need to abstain from the vote due to an existing relationship with WGI.

Motion by Ald. Wolff, seconded by Ald. O'Brien, to approve the resolution as presented. Motion carried 9 yea/ 4 nay/ 1 abstention / 0 absent.

16. RESOLUTION 20-073-R: Execution of an Independent Contractor Agreement for Economic Development Consultant (LN 5/12/20 COW 5/26/20 13/0) GS

Ald. Chanzit introduced the item related to the contract with Chris Aiston. Mr. Aiston had planned to retire at the end of May and the city had planned to hire a business development manager, but that plan has been put on hold due to budget cuts resulting from the pandemic. The city would like to contract with Mr. Aiston on the One Washington Place TIF/re-TIF project and/or to remarket the One Washington Place property if the current plan can't move forward.

Administrator Newman said Mr. Aiston would be contracted through November 30. If the scope of work changes, he may be amenable to staying with the city until that date.

Ald. Callahan noted this is a close-ended, six-month contract. Administrator Newman added that the contract focuses on issues related to the One Washington Place site, not just the TIF.

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

17. ADMINISTRATOR'S REPORT

Administrator Newman thanked the Batavia School District for convening a meeting of representatives from all local government bodies to discuss reopening plans.

A shipment of face masks has been received, and the city will hold a drive-through even so residents can pick up masks if they need them. These will also be used by city employees returning to the office and will be distributed at the Farmers Market to attendees who are not wearing masks. While volunteers were on hand at last weekend's market, almost 100% of attendees wore masks.

Batavia Police Department and Batavia Fire Department sent support crews to Aurora in response to the recent protests. All returned uninjured.

Batavia Police Department is increasing targeted traffic patrols and the use of portable speed awareness signs. The Slow Down campaign will also launch again.

Community Development and Economic Development are reviewing applications to expand outdoor seating at restaurants during Phase 3 of reopening. Seven permits were awarded as of Friday. Many inquiries have come in, and businesses are trying to get creative to offer this option to patrons.

Three new outdoor dining areas were opened in Batavia on Friday:

- 18 tables were placed on North River Street to enjoy carry-out from local businesses. Alcohol is permitted at these tables.
- Tables are set up on the One Washington Place site east of Bocadito's. Alcohol is not permitted at these tables.
- Four tables are set up next to City Hall on Houston Street. No alcohol is permitted at these tables.

In Public Works, work on Prairie Street is back on track and expected to finish in late fall. The Main Street project is behind schedule due to utility conflicts and may not finish by winter as planned.

Hydrant flushing is underway on the west side.

The Streets and Public Properties and Services crews did an outstanding job setting up River Street for outdoor dining with just two days' notice – the street was redesigned for one-way traffic, signs needed to be printed, and streetscape features were strategically placed to provide extra protection for diners. People seemed to enjoy the new dining option.

In Communications, 3,000 households will be receiving postcards to participate in the community survey. Residents will also be able to complete the survey online. Survey results will be used to help structure strategic plans and prioritize projects. Results will be compared to other cities of comparable size.

A web page has been created to promote Batavia Reconnected. Residents are encouraged to visit the page and learn how to reconnect with local businesses.

A protest is planned in Batavia on June 3 at noon. The city has not sanctioned the protest, and the application for the event was denied because it was not timely filed and it does not conform with State of Illinois Phase 3 guidelines. The city recognizes and respects the right to peacefully assemble. The event will likely go forward, and the organizers have cooperated with the city and communicated with the Batavia Police Department. The city is working on ways to ensure this is a peaceful assembly. Visitors may want to avoid the downtown area that afternoon, and local businesses may consider closing. The organizer says the event is a sit-in and not a march.

Ald. Uher thanked the Batavia Police Department for the respectful treatment of the Plenion family during a challenging time.

18. COMMITTEE REPORTS

Ald. O'Brien said the Committee of the Whole will discuss feeder installation to Kirk Road. Ald. Callahan asked if tomorrow's discussion on parklets should fall under City Services or Community Development. Ald. Wolff said it should be discussed at the COW.

19. OTHER BUSINESS

Ald. Callahan said the sit-in Wednesday may create a lot of angst in the city, and that as a city, we need to have full faith and confidence in our police department. He said we can't let fear of others' violence steal the right to protest. The Batavia Police Department will be ready to handle any concerns that arise.

Ald. O'Brien said he appreciates the comments and is confident the Batavia Police Department will act under societal ethics and law. The video that sparked nationwide protests is disturbing, and people across the country are peacefully protesting, but some anarchists are causing trouble.

20. MAYOR'S REPORT

Mayor Schielke said he has never received so many angry or fearful calls about problems happening in the city related to the planned protest. People are asking about curfews. Aurora has a curfew in place tonight. He said he shares in the horror of what happened in Minneapolis, but the city's job is to maintain security and safety of the people and businesses in Batavia.

Batavia police officers were deployed last night to many high-profile locations to make their presence visible. Mayor Schielke asks all protestors to be peaceful, and noted that for those who are not peaceful, the city's response will be strong. He lauded the Batavia Police Department and Batavia Fire Department under Chief Eul and Chief Deicke for the many challenging circumstances they have been confronted with, including many calls related to mental health concerns. These calls come at a price to the city, but you can't put a price on safety and security for residents of Batavia.

Today a social media post said the city and mayor had approved Wednesday's protest, triggering many angry calls to his office. Peaceful is the key word, and a curfew is under consideration and discussion with Chief Eul.

Ald. Miller said he echoes the sentiments of peaceful protesting. He said if you see people from outside of Batavia who are not being peaceful, notify the Batavia Police Department. The message is a call for change, and it shouldn't be hijacked by people intent on causing disruption. The message needs to stay on point. Batavia Police Department has been amazing in this city with all ages and ethnicities. He thanked them for being human beings with the people they serve.

21. EXECUTIVE SESSION

Motion by Ald. O'Brien, seconded by Ald. Russotto, to enter Executive Session. Motion carried 14 yea/ 0 nay/ 0 absent.

The meeting adjourned to Executive Session at 8:55 pm.

22. ADJOURNMENT

The meeting returned to General Session at 9:39 pm.

Motion by Ald. Wolff, seconded by Ald. O'Brien, to adjourn.

Motion carried by voice vote. The meeting adjourned at 9:39 pm.

Minutes prepared and submitted by Ellen Posledni, City Clerk, June 11, 2020.