

MINUTES
June 12, 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, Stark, Chanzit (arrived at 7:48pm); Wolff, Salvati, O'Brien, Callahan, Meitzler, Malay, Uher, Cerone, and McFadden

Members Absent: Alderman Atac

Also Present: Mayor Schielke (arrived at 7:05pm); Laura Newman, City Administrator; Gary Holm, Director of Public Works; Scott Buening, Director of Community Development; Jeff Albertson, Building Commissioner; Joel Strassman, Planning and Zoning Officer; Drew Rackow, Planner; Rahat Bari, City Engineer; Wendy Bednarek, Director of Human Resources; Anthony Isom, Administrative Assistant to the City Administrator; and Jennifer Austin-Smith, Recording Secretary

2. Approve Minutes for May 1, May 8, May 14, May 15 and May 22, 2018

Motion: To recommend approval of Minutes for May 1, May 8, May 14, May 15 and May 22, 2018

Maker: Stark

Second: Salvati

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

3. Items to be Removed/Added/Changed

Agenda item fifteen was removed from the agenda. Holm explained that he sent out an email earlier to Council that the City could waive the owner's and contractor's liability waiver issue. Advanced Disposal is no longer requesting any additional modifications from the City.

4. Matters from the Public (For Items NOT on Agenda)

There were no matters from the public at this time.

5. Wastewater Treatment Project Monthly Update

Jerry Ruth gave the monthly update for the Wastewater Treatment Project. Ruth presented a PowerPoint presentation discussing the progress over the past month. He discussed the Phase

One Rehabilitation, Cost Update, 66% progress, 1.04% Change order, and project photos. He noted that there would be a \$10,000 change order that will be coming before the Committee in the future.

6. Ordinance 18-31: Proposing the Establishment of Special Service Area Number 62 for Batavia MainStreet (SCB 5/23/18) CD

Stark summarized the memo. The Public Hearing for this would be held on August 20, 2018. Stark stated that she has spoken with Batavia Enterprises Inc. (BEI) and they are not in favor of raising the levy. Buening stated that the statute says in order to overturn this you would need 51% of the owners and electors. For those with multiple parcels, the City attorney would have to consider how many times they could vote. Buening believes owners would vote once per property but he is not sure, which is where the City attorney would come in. Callahan asked why would a resident or parcel owner pay a Special Service Area (SSA). Buening stated that single family residential property has the ability to get a refund or rebate of the taxes. Buening explained that single family residential properties are not excluded because we need them to get to continuity with some commercial parcels. Newman commented that having a vibrant downtown is an enhancement to the value of the property that is residential.

O'Brien stated that they are asking up to \$100,000 but they are not asking for the full \$100,000. He asked staff if they know what their official request would be. Buening stated not at this point. The Council would make the decision on what to officially levy. Batavia MainStreet would make their official request by August 1st and if no request is made the statute is structured for them to receive \$40,000. O'Brien stated he is torn with supporting this because he does not want to burden people with more taxes. Stark noted that when we started this, it was under the assumption that eventually Batavia MainStreet would be self-sustaining and instead of going down it has gone up and that is where she is having a hard time with this. Stark continued that Batavia MainStreet does put on a lot of events but when she has talked to business owners downtown they have informed her that they do not see a lot of benefit from a lot of these events. Brown stated his support for this. Their intent was to be self-sufficient but over the years Batavia MainStreet has increased what they do. They are more active than what anybody ever envisioned. He believes we would be in deep trouble without them, seeing what our downtown does in just one summer. He likes the way the ordinance is written. We need to think what is good for the community as a whole. We are doing this for the revitalization of the downtown and for the entire community and for those reasons we should move forward with it. Wolff noted that if we were to take \$40,000 and spend that on one full-time staff person would we get the same return of investment for the events that happen, the people that are brought into the downtown, and the value. Salvati stated that as a property owner he never wants to see taxes increased but Batavia MainStreet does an amazing job. As an events coordinator for the City, there is no way we could spend that money and get the same results as they do. He believes that this is money well spent.

Motion: To recommend to Council approval of Ordinance 18-31: Proposing the Establishment of Special Service Area Number 62 for Batavia MainStreet

Maker: Wolff

Second: Cerone

Roll Call Vote: **Aye:** Wolff, Salvati, Brown, O'Brien, Callahan, Meitzler, Malay, Uher, Cerone, McFadden, Russotto, Stark
 Nay: None
 12-0 Vote, 2 Absent, Motion carried.
 CONSENT AGENDA

7. Resolution 18-60-R: Accepting a Plat of Dedicating a Portion of Wintergreen Terrace (SCB 5/2/18) CD

* Alderman Chanzit entered at 7:48pm *

Stark overviewed the memo. A photo of the portion of land was shown to the Committee. Buening explained that the City acquired the property to the east and staff felt that it would be beneficial to dedicate the right of way for a future cul-de-sac similar to what we did with Bluebell to the north. The cul-de-sac feature would make for easier turn around radius. O'Brien asked if staff has spoken to the residents of Wintergreen Terrace. Buening answered no. O'Brien announced that he has spoken to the residents and they are all opposed to it. Therefore, he is opposed to it. The memo states that there are no cons but we missed the point on that. There are a lot of trees there. That wooded area acts as a sound barrier during the summer months. Taking the trees down to put this turnaround in would just result in people driving down there looking to get onto Kirk Road. It would just generate more traffic on a dead end street that has small children, and that is a safety issue. There is a pullout on Kirk Road at the end of Wintergreen, opening it up a little more is another safety issue. O'Brien is strongly opposed to this, it has been this way for fifty-eight years and he would like to put this resolution to bed. Salvati agreed. He explained that having Kirk Road right there really complicates this. Brown stated that he would support the two aldermen objecting. Callahan stated that there is not a priority for this right now and he does not see the necessity. The items that O'Brien brought up are very compelling to him. If there are compelling reasons at another point then we would deal with it at that time. The Committee discussed snow removal and storm water detention storage. Brown suggested tabling the resolution.

Motion: To table Resolution 18-60-R: Accepting a Plat of Dedicating a Portion of Wintergreen Terrace
Maker: Stark
Second: Salvati
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
 Motion carried.

8. Ordinance 18-39: Grant of Variance for Fence Height at 1107 North Avenue, Eric Oja, applicant (JLS 5/24/18) CD

Stark overviewed the memo. The requirement is for three feet in height and this variance allows for four feet in height. Eric Oja, applicant, addressed the Committee and explained that a four foot fence is a reasonable compromise to allow him to safely keep his large dog enclosed on his property.

Motion: To recommend approval of Ordinance 18-39: Grant of Variance for Fence Height at 1107 North Avenue, Eric Oja, applicant

Maker: Meitzler
Second: Uher
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.

9. Ordinance 18-40: Grant of Variance for a Detached Garage at 836 Garfield Avenue, Andrew Browning, Applicant (DMR 6/5/18) CD

Rackow commented that this property is considered an odd, flag shaped property, which makes this property unique. Browning, applicant, addressed the Committee. He stated that he is removing a shed structure that the previous owner installed. He showed a picture of the water accumulation around the shed. He is working with the engineering department to make sure we could fix the grading in order to better the property.

Motion: To recommend approval of Ordinance 18-40: Grant of Variance for a Detached Garage at 836 Garfield Avenue, Andrew Browning, Applicant
Maker: Salvati
Second: Callahan
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.
CONSENT AGENDA

10. Ordinance 18-45: Approving a Conditional Use for an Animal Shelter for Starfish Animal Rescue, 167 Oswalt Avenue, Lora Lechelt for Starfish Animal Rescue, applicant (JLS 6/7/18) CD

Stark summarized the memo. Lora Lechelt, applicant, shared that her business transports one hundred to two hundred animals that get transferred to other shelters. They have been there two years and have received no complaints.

Motion: To recommend approval of Ordinance 18-45: Approving a Conditional Use for an Animal Shelter for Starfish Animal Rescue, 167 Oswalt Avenue, Lora Lechelt for Starfish Animal Rescue, applicant
Maker: Wolff
Second: Meitzler
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.
CONSENT AGENDA

11. Ordinance 18-41: Proposing the Establishment of Special Service Area Number 63 in the City of Batavia and Providing for a Public Hearing and Other Procedures in Conjunction with the Prairie Commons Subdivision – Residential Development (DMR 6/5/18) CD

Stark summarized the memo. Rackow noted that staff is working with the applicant on creating a waiver of their objection to the SSA to formalize that and the ordinance could be recorded before the sixty-day period is over for rejection. Mayor Schielke announced that they just got

notification this afternoon from the Batavia Post Office that we were successful in getting all the new houses that would be built there addressed as Batavia.

Motion: To recommend approval of Ordinance 18-41: Proposing the Establishment of Special Service Area Number 63 in the City of Batavia and Providing for a Public Hearing and Other Procedures in Conjunction with the Prairie Commons Subdivision – Residential Development
Maker: O'Brien
Second: Salvati
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.

12. Ordinance 18-42: Proposing the Establishment of Special Service Area Number 64 in the City of Batavia and Providing for a Public Hearing and Other Procedures in Conjunction with the Prairie Commons Subdivision – Commercial Development (DMR 6/5/18) CD

Motion: To recommend approval of Ordinance 18-42: Proposing the Establishment of Special Service Area Number 64 in the City of Batavia and Providing for a Public Hearing and Other Procedures in Conjunction with the Prairie Commons Subdivision – Commercial Development
Maker: O'Brien
Second: Salvati
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.

13. Resolution 18-73-R: Authorizing Execution of the Contract for Fox River Utility Stabilization Construction with Copenhaver Construction Inc for an Amount Not to Exceed \$207,242 which includes 10% Contingency Amount (RB 6/08/18) CS

Bari stated that staff is recommending alternative one. The money is budgeted and is only 10K more and the limestone wall will look aesthetically much better. Limestone has more longevity and lifespan than stone, which would rust out and have to be replaced. The landowner wants the six trees behind the creamery removed. This will be done in conjunction with the protection of the sanitary sewer there. Brown stated that a project like this deserves close inspection. He supports proper inspections on this.

Motion: To recommend approval of Resolution 18-73-R: Authorizing Execution of the Contract for Fox River Utility Stabilization Construction with Copenhaver Construction Inc for an Amount Not to Exceed \$207,242 which includes 10% Contingency Amount
Maker: Chanzit
Second: Meitzler
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.

14. Resolution 18-54-R: Authorizing Execution of Construction Easement with the Property Owner at 33 N. Island Ave, Batavia IL, to Perform Utility Stabilization along Fox River (RB 6/8/18) CS

Motion: To recommend approval of Resolution 18-54-R: Authorizing Execution of Construction Easement with the Property Owner at 33 N. Island Ave, Batavia IL, to Perform Utility Stabilization along Fox River

Maker: Stark

Second: Uher

Voice Vote: 13 Ayes, 0 Nays, 1 Absent

Motion carried.

CONSENT AGENDA

15. Discussion- Resolution 18-65-R: Deviations in Proposal from Advanced Disposal (SH/GH 06-07-18) CS

This agenda item was removed from the agenda.

16. Discussion – North Batavia Dam Ownership (LN 6/08/18) CS

Newman stated that at the last meeting it was requested to identify an attorney who could provide us with an opinion on the dam ownership. The individual who came highly recommended both by our City Attorney and Community Development Director is Bruce Goldsmith. Alderman Atac informed Newman that she also has had prior experience with Bruce Goldsmith and he is well regarded in this area. Newman stated that she has provided him with the documents and the City Attorney's opinion and is waiting on a cost estimate. The Committee directed staff to move forward on the process to hire Bruce Goldsmith for a second opinion.

17. Resolution 18-74-R: Approving an Intergovernmental Agreement with Kane County Forest Preserve for Dam Signage and Lighting (GH 6/7/18) CS

Wolff stated that this is the next step in complying with the insurance requirement having signage and lighting on the dam. This would be the Forest Preserve granting the City permission to install various signage and lighting on their property. Brown stated that he would not be voting in favor of this because he does not believe that the dam is under the City's ownership. O'Brien commented that he too does not believe the City owns the dam but he would support this for the safety of our residents.

Motion: To recommend approval of Resolution 18-74-R: Approving an Intergovernmental Agreement with Kane County Forest Preserve for Dam Signage and Lighting

Maker: McFadden

Second: Cerone

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

Nay: Brown

12-1 Vote, 1 Absent, Motion carried.

18. Resolution 18-72-R: Approving a Contract with Parvin-Clauss Sign Co., Inc. for Construction of the North Batavia Dam Signage and Lighting Plan for an Amount Not-to-Exceed \$71,403.15 (GH 6/6/18) CS

Holm reported that staff went out for public bid on May 1st. The cost of the signage is very competitive but it is the cost of installation that is costly. Holm explained why staff is not recommending going with the lump sum amount bid because it turned out not to be all-inclusive. That bid was rejected. Brown asked about the insurance. Newman stated that they have the WBK dam inspection report and they noted to us that so long as we completed the public safety items that were recommended as part of that report they would insure the dam. Brown asked how much the insurance would cost. Holm stated that he would make a note of that and report on it to Council. Brown stated that he will continue to not vote in favor of this and noted that we are over budget.

Motion: To recommend approval of Resolution 18-72-R: Approving a Contract with Parvin-Clauss Sign Co., Inc. for Construction of the North Batavia Dam Signage and Lighting Plan for an Amount Not-to-Exceed \$71,403.15

Maker: Chanzit

Second: Salvati

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

Nay: Brown

12-1 Vote, 1 Absent, Motion carried.

19. Project Status

Newman reported on the following:

- A permit application was received for a proposed industrial building on the northeast corner of Raddant and Douglas
- Staff is reviewing a number of development submittals
- The Historic Preservation Commission approved the City Hall renovations yesterday.
- Wilson Spuehler Parcel rights under the contract transferred to Habitat for Humanity for some type of development of that property
- A survey was created for community businesses to assess how they feel they are being served by the services by the City of Batavia and how we could retain their business, help them grow the business, etc.
- Ward One drainage improvements are being worked on
- Storm sewer separation project is underway
- Downtown seasonal planters have been completed
- Newman will be on vacation next week.
- Possible cancelation of COW meeting next week.
- Monday June 25th possible combined meeting with the Park District.
- Thomle building closing should be at the end of the month. Ordinance will go directly to City Council.

20. Other

Callahan commended staff on the successful notification for power outages.

Mayor Schielke discussed the raffles available to support the Batavia fireworks and announced that Batavia Boy Scout Troop 6 won the Dr. Bernard J. Segrand Patriarch Award.

Salvati shared that in his Ward there has been excessive speeding issues. The areas are VanNortwick to Western, North Avenue, and other straight-aways where people could pick up speed. There have been requests for more enforcement and/or speed reductions. Newman suggested an informational campaign by the use of yard signs. She noted that other communities have done this. There was no objection from the Committee.

21. Executive Session: Setting the Price of Land for Sale (SB) 5ILCS 120/2 (C)(6)

22. Executive Session: Collective Bargaining (WB) 5 ILCS 120/2(c)(1)

Motion: To enter into executive session for the purpose of Price of Land for Sale and Collective Bargaining
Maker: O'Brien
Second: Salvati
Voice Vote: 13 Ayes, 0 Nays, 1 Absent
Motion carried.

The COW entered into Executive Session at 9:28pm. Alderman Meitzler exited the meeting at 9:28pm and did not attend the Executive Session portion of the meeting. The Committee exited Executive Session at 10:08pm.

23. Adjournment

There being no other business to discuss, Chair Brown asked for a motion to adjourn the meeting at 10:08pm; Made by Salvati; Seconded by Stark. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith