

**CITY OF BATAVIA**  
**MINUTES OF THE BATAVIA CITY COUNCIL**  
**June 15, 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. Ald. Wolff 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 Information Services | Howard Chason  |
| Finance Director                 | Peggy Colby    |
| City Engineer                    | Rahat Bari     |

**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. Plan Commission Minutes April 15, 2020

### Approvals:

B. June 12, 2020 Payroll \$932,053.01

C. Accounts Payable Check Register \$2,199,407.06

D. City Council Minutes for June 1, 2020 and June 2, 2020 Emergency Meeting

E. APPROVAL: City Council Executive Sessions Minutes July 15, 2019, February 17, 2020 and April 20, 2020

**Motion by Ald. Chanzit, seconded by Ald. Beck, 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. MAINSTREET

MainStreet Director Sherri Wilcox Dauskurdas reported that the Farmers Market opened at the end of May. The perfect weather and desire to get out of the house and return to downtown Batavia has driven good crowds for the first few weeks. Most attendees are following safety guidelines. Face masks and hand sanitizer are available on-site. Vendors are selling out of product, and the market is supporting local farmers and local businesses. Local restaurants are also opening booths to serve food.

The Artisan Collective returns next week. Twelve to 15 booths will be set up at the far north end.

The Boardwalk Shops opened Saturday, and several businesses sold out halfway through the day. Bob Hansen directed the project, and 700 volunteer hours were donated, as were \$35,000 in in-kind donations. People continue to inquire about how they can open a shop.

Tables for outdoor dining downtown are being used, and business owners are getting creative about using their outdoor spaces.

Cocktails in the Yard will replace Cocktails in the Park this year because of the restriction on large gatherings. Sales begin next week. This is MainStreet's key fundraiser. Crates are being sold that will allow people to gather at their homes with friends and neighbors.

MainStreet continues to make decisions about upcoming events.

Mayor Schielke thanked MainStreet for its outstanding support for downtown businesses. Ms. Dauskurdas thanked city staff and police for keeping the city safe on the day of the downtown rally. The city's efforts helped deter any possible negative outcomes and helped keep the event a positive one.

**9. APPROVAL: Mayoral Executive Orders**

Administrator Newman noted that the city's Declaration of Disaster has allowed the mayor to move quickly to respond to local business needs in alignment with state guidelines. The mayor's Executive Orders were described and approval was requested.

**Motion by Ald. Wolff, seconded by Ald. Knopp, to approve the Executive Orders signed to date. Motion carried 13 yea/ 0 nay/ 0 absent/ 1 present.**

**10. RESOLUTION 20-081-R: Authorizing Final Balancing Change Order to the Contract with Performance Construction & Engineering, llc, of Plano, Illinois, for the Area 3 Storm Sewer Separation – Phase 2 in the Amount of \$12,377.79 (AMP 6/04/2020 COW 6/09/2020 14/0) CS**

Ald. Wolff introduced the item related to a balancing change order for the project started in 2019 and finished in 2020. Contracts usually include a 10% contingency amount, but this contract only had a 5% contingency.

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

**11. RESOLUTION 20-085-R: Expressing official intent regarding certain capital expenditures to be reimbursed from proceeds of one or more obligations to be issued by the City (PC 6/11/20) GS**

Director Colby introduced the item, noting that it did not go to the Committee of the Whole first because it was time critical and projects are already underway. This covers water main work for Prairie Street, Main Street and Ward 1 this year and next year. A rate increase of 4% will cover the cost; this resolution authorizes the city to reimburse itself.

Ald. O'Brien complimented city staff for being able to get water main work completed while the ground is already open, ultimately saving funds.

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

**12. RESOLUTION 20-078-R: Authorizing a construction contract with Primoris Electric Inc to perform feeder installation from northeast substation to Kirk Road in the amount of \$675,572.00 which includes 10 percent contingency amount (RB 5/28/2020 COW 6/02/2020 13/0) PU**

Ald. Meitzler introduced the item relating to substation work. Previous bids on the work were high, and City Council declined to approve the work previously because of the high cost.

City Engineer Rahat Bari explained that previous bids to do four feeders at the same time came in at \$1.7 million, but only \$1.2 million was budgeted. Staff broke the project into two pieces, and completed the first half in 2019. This work is for the second half of the project. Six bids were received. Primoris is located in Minnesota, but they have key staff in Milwaukee and the workers on the project will be local. The project is ready to go and should be completed by the end of August. The city saved considerable money by rethinking the approach to the project.

Ald. Meitzler complimented staff for their cost-saving efforts.

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

**13. RESOLUTION 20-080-R: Approving a contract with Siemens Industry Inc. to Supply 11 (eleven)- 34.5 kV Breakers for Batavia Substations for an amount not to exceed \$383,947.00 which include 10 percent contingency amount (RB 6/10/2020 – No COW) PU**  
Ald. Meitzler continued to discuss the project, noting \$600,000 was budgeted for this project, so it is considerably under budget. Mr. Bari noted that the cost is just for the equipment; a contractor will still need to be hired to install it. But he still is hopeful the project will be under budget, as they are seeing good prices, but timing is key.

Problems with the breakers were noted in 2018. Replacement parts are difficult to find because the current breakers are no longer being made. Siemens cleaned them, which led to some improvement initially but they are deteriorating again. Siemens has met the specs and were recommended by a consultant, so staff is confident of quality. This is a budgeted item. Lead time is 20 weeks to build the equipment, so the city could take delivery by October and have the equipment installed before the ground freezes.

Ald. O'Brien asked about the cost to clean the equipment. Mr. Bari said the cost is \$18,000 for each cleaning. The equipment has been cleaned twice. Ald. O'Brien asked what causes the contamination. Mr. Bari said any dust or debris on the breakers can cause problems. These issues are more frequent in farming areas, and the company did not give a satisfactory answer why it is happening in the city or if this was occurring to their equipment elsewhere. Ald. O'Brien asked if this might happen again to the new equipment. Mr. Bari explained that the specs call for maintenance every five years, and the equipment should last 20 to 30 years.

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

**14. RESOLUTION 20-089-R: Approval of 2020 electric Tree Trimming Contract with Asplundh Tree Experts for an amount not to exceed \$100,000 (GH 6/03/20 – No COW) PU**  
Ald. Meitzler introduced the item related to annual tree trimming. Mr. Bari noted that the 2018 bid price was high, so there was no contract. The 2019 contract was 4.2% higher than the 2017 contract. This year, staff wanted to expedite the process and accepted quotes. The cost came in almost 20% higher than 2019, which was a surprise.

Staff offered three options:

- Waive formal bidding and give the contract to Asplundh to catch up with all work that needs to be done.
- Waive formal bidding, give a \$100,000 contract to Asplundh to do just the most critical work. (Staff recommended this option.)
- Reject all proposals and eliminate the 2020 tree trimming program. Skipping essential tree trimming could result in power outage issues, and this option was not recommended.

Ald. O'Brien said he agreed with staff that the most critical work should be done, and perhaps a different contractor could be identified for 2021.

Ald. Chanzit noted that areas around Western Avenue should be on the critical list, as these homes are one outage away from disaster. Ald. O'Brien asked if the critical work would be on the east or west side, and Mr. Bari noted that he did not have a detailed list of target areas.

Mayor Schielke noted he recently toured the city with city arborist Frank Saupp who noted the city has some significant limb issues that need to be addressed, and encouraged the city to do something now in order to avoid more problems later.

Ald. Baerren asked if it was possible to do a two-year plan, and go back to the company to negotiate a better rate contingent on two years of work. Mr. Bari noted that in 2018, multiple municipalities got together to try to negotiate a better rate and were not successful. But he said he would bring the idea to staff for discussion. They used a similar approach for the water main project.

**Motion by Ald. Wolff, seconded by Ald. Malay, to waive formal bidding for the city's 2020 electric tree trimming contract. Motion carried 14 yea/ 0 nay/ 0 absent.**

Ald. Knopp questioned why the City Council would approve this resolution without first seeking a multi-year contract to save money. Administrator Newman explained that the timing is critical – if staff goes back to the company to renegotiate, work will be delayed. She suggested the strategy be considered for future years.

Ald. O'Brien said Ald. Baerren made a good point, but when four cities together tried to negotiate, prices went up. And the work needs to be done now.

Mayor Schielke agreed, noting that many areas will need work in the next year or two, so a multi-year deal in the future is a good idea.

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

**15. DISCUSSION: Should the Declaration of Disaster for Civil Unrest be declared to have ended?**

Administrator Newman explained that after the city's Declaration of Disaster, the City Council will consider at each meeting whether it should be extended or terminated. She said the situation remains tenuous, and the governor's emergency declaration is still in effect. She suggested extending the declaration through July.

Ald. Baerren asked what the benefits would be of extending the declaration. Administrator Newman explained that it was useful for the mayor to implement curfew on short notice, and it will also allow him to take other measures for the public's health and safety. Any Executive Orders are then brought to the City Council to approve or reject.

Mayor Schielke noted that all Executive Orders have been immediately distributed to the City Council for input. City residents have appreciated the city's response to date, and he believes that unrest remains in the community, and does not believe the declaration should be ended yet. It can be discussed at every City Council meeting. So far the Council has been supportive, and the mayor says he has used the Executive Orders carefully. He continues to communicate with area mayors so their responses are in line with each other.

Ald. Callahan asked what the drawback would be of ending the declaration now and reinstating later as needed. Administrator Newman said when the civil unrest issue first came up last time, it happened to be the night of a City Council meeting, so they could act quickly. If an emergency arises in the future, it may be difficult to convene a quorum to take quick action.

Ald. Uher noted that convening an emergency meeting is not difficult because with new technology they do not all have to be in the same room to attend the meeting. Administrator Newman explained that it takes time to set up the electronic meeting and ensure everyone checks their email in a timely manner. She asked if the risk of not having a quorum outweighs the risk of the mayor not being able to act quickly in the interest of public health and safety. She noted that protests and unrest continue in the region and county.

Ald. O'Brien said the mayor has done a fine job of not overstepping his bounds with Executive Orders, and it would be a waste of time to try to reconvene in an emergency. Unrest continues, so he feels the declaration should remain in place until things settle down.

Ald. Wolff suggested that if anyone wants to remove the declaration, they should make a motion to do so. No motion was made. Administrator Newman indicated the item will remain on every City Council meeting agenda for consideration. She added that the declaration pertaining to COVID-19 remains in place as long as the governor's declaration in place per previous action by the City Council.

Ald. Callahan said he agrees with keeping the declaration for another week at least, but he does not want the public to think the city is a tinder box. Ald. O'Brien said no one wants to keep it forever, and once the situation settles down, it would be removed. Mayor Schielke agreed.

## **16. ADMINISTRATOR'S REPORT**

Administrator Newman said the city conducted a face mask giveaway on Sunday morning, distributing about 1,000 masks. The first hour was limited to senior citizens. People were very grateful, and thousands of masks remain available. They will repeat the event in another month. They also have masks available for employees, Food Pantry clients, Farmers Market shoppers, and residents who come in to public service counters at City Hall. She noted that public services are once again available on-site at City Hall, but visitors are required to wear a mask.

Administrator Newman thanked BEI and Barco Products for providing seating for diners on South Water Street.

The June 23 Committee of the Whole meeting will be a hybrid format, with some attending in-person and some online. The June 30 COW will be a working session to consider the 2020 budgeted expenses that have been put on hold and their relationship to the city's Strategic Plan. Ald. Wolff noted he would not be at the June 30 meeting, as did Ald. Callahan. Administrator Newman suggested she could send out a survey to pick the best Tuesday to hold this discussion.

The city has received seven applications for a COVID-19 grant. The timeline to apply may have been too short, and the city is considering adding a second round of applications to help more businesses.

Shodeen has submitted an updated pro forma statement to be considered before entering into a new RDA for the One Washington Place project.

The Public Works department has done an amazing job on projects with IDOT. The city anticipates receiving a permit to close River Street to traffic soon. IDOT is also looking at the intersection of Wilson Street and Rt. 25 as well as a Rt. 31 road diet.

Administrator Newman thanked Advanced Disposal for the extra garbage bins placed on River Street to serve outdoor diners.

Ald. Callahan asked if IDOT would be considering a crosswalk on the east side of the intersection at Wilson and Rt. 25. Administrator Newman suggested that Mr. Bari could bring that up for discussion with IDOT. Mr. Bari agreed to bring it up, but noted he would have to check the history on why it wasn't added previously. He said it could be considered in the overall improvement project. Ald. Wolff said it was not added previously because of the stacking distance of the left turn lane plus it would encroach on parking on Wilson Street. Mr. Bari agreed that the left turn lane is small and it would also result in the loss of a parking space.

Ald. Meitzler said he was happy to see the forthcoming Carriage Crest study, noting that many residents are eagerly awaiting results. He asked if an immediate short-term solution could also be considered. Administrator Newman said she would be happy to pass along the request. Ald. Chanzit said he recently convened what he thought would be a small gathering to discuss the situation, and two dozen families showed up to express their concerns.

Ald. Baerren asked what the delay is on closing River Street. Administrator Newman explained there is no delay, and this timeline is very typical. The city requested a rush approval, and the state is moving quickly because they recognize the positive economic impact of the plan. The closure was requested through the end of November and is not tied to COVID-19.

## **17. COMMITTEE REPORTS**

Ald. Wolff said the next COW would discuss police surplus property and a bike share program. Ald. Callahan added that a report on findings of the conservation TIF feasibility study would be presented.

## **18. OTHER BUSINESS**

Ald. Malay noted his excitement about the opening of the Boardwalk Shops, which began as an idea that was approved just a year ago. It was an investment from the city and should have a good ROI. All units were built under budget, which allowed the addition of air conditioning and insulation, which were not originally budgeted for. Bob Hansen did an excellent job directing the building of the shops, and MainStreet approved a grant for decking for four more units. The shops were built with 700 volunteer hours not including Mr. Hansen's hours. Many people donated services and materials. Jamie Saam donated her time as property manager.

The four remaining shops would cost \$32,000 to build, significantly less than the per-unit cost of the first set of shops because the site work is done. He suggested the Council start talking about funding the remaining shops.

Ald. Callahan added that Ald. Malay was on-site putting in countless hours, as was former Ald. Dave Brown and Ms. Saam's husband Doug. Ald. Malay was also instrumental in having Batavia High School shop students build two of the units. The weekend was huge for the community because it was the opening of eight new businesses downtown. People were walking all around downtown. He also thanked MainStreet Director Sherri Wilcox Dauskurdas for her support. Batavia will be featured June 23 in a webinar hosted by Strong Towns.

Mayor Schielke added that word about the Boardwalk Shops is traveling fast and they are generating a lot of interest.

## **19. MAYOR'S REPORT**

Mayor Schielke said he is pleased to see how much people in Batavia care about the city and each other. He said we have shown ourselves to be a city with heart, and he is proud of Batavia's reputation in that area.

## **20. ADJOURNMENT**

**Motion by Ald. Wolff, seconded by Ald. Malay, to adjourn. Motion carried by voice vote. The meeting adjourned at 9:04 pm.**

*Minutes prepared and submitted by Ellen Posledni, City Clerk, July 1, 2020.*