

CITY OF BATAVIA
100 N. Island Avenue, Batavia, IL 60510
(630) 454-2000 <http://cityofbatavia.net>

Committee of the Whole Agenda
Tuesday, June 30, 2020
7:00 PM Council Chambers 1st Floor

The meeting will be broadcast live on BATV's YouTube channel which can be accessed from their website at myBATV.com. If you plan to attend in person, you must wear a mask and please note there are only 12 chairs available for public seating in the room so that social distancing can be maintained. If you would like to make comment by phone during the meeting, please send a request by email to publiccomment@cityofbatavia.net by 5:00 pm the day of the meeting indicating your name, phone number, the date of the meeting and the topic on which you would like to make comment. You will be called at the number you provided during the meeting at the time for public comment.

1. Roll Call
2. Reminder: Please Speak Directly Into Microphone For BATV Recording
3. Approve Minutes For June 16, 2020 And June 23, 2020

Documents:

[COW 20-06-23M.PDF](#)
[COW 20-06-16M.PDF](#)

4. Items Removed/Added/Changed
5. Matters From The Public (For Items NOT On Agenda)
6. Ordinance 20-42: Declaring Surplus Properties (RD 6/24/20) CS

Documents:

[ORD 20-42 SURPLUS PROPERTY.PDF](#)

7. Resolution 20-086-R: Authorizing A Representative To Sign State Revolving Loan Fund Documents (PLC 6/26/20) GS

Documents:

[RES 20-086-R AUTHORIZING PERSON TO SIGN IEPA LOAN DOCUMENTS.PDF](#)

8. ORDINANCE 20-41: AN ORDINANCE Authorizing The City Of Batavia, Kane And DuPage Counties, Illinois, To Issue Waterworks Revenue Bonds In An Aggregate Principal Amount Not To Exceed \$3,900,000 In Evidence Of Loans Issued Pursuant To The Public Water

Supply Loan Program (PLC 6/26/20) GS

Documents:

[IEPA WATERWORKS LOAN ORD 20-41 AUTHORIZING ORDINANCE 4841-6406-2657 V2.PDF](#)

9. Project Status
10. Other
11. Adjournment

MINUTES
June 16, 2020
Committee of the Whole
City of Batavia
REMOTE MEETING

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 Wolff called the remote meeting to order at 7:00pm.

1. Roll Call

Members Present: Chair Wolff; Ald. Miller, Russotto, Beck, Knopp, Chanzit, Baerren (entered the meeting at 7:39pm), O'Brien, Callahan, Meitzler, Malay, Uher, Cerone and McFadden (entered the meeting at 7:32pm)

Members Absent:

Also Present: Mayor Schielke; Laura Newman, City Administrator; Gary Holm, Director of Public Works; Howard Chason, Director of Information Systems; and Jennifer Austin-Smith, Recording Secretary

2. Reminder: Please speak into the microphone for BATV recording

3. Approve Minutes for May 26, 2020

Motion: To approve the minutes for May 26, 2020

Maker: Knopp

Second: Russotto

Roll Call Vote: **Aye:** Knopp, Chanzit, Baerren, Wolff, O'Brien, Callahan, Meitzler, Malay, Uher, Cerone, Miller, Russotto, Beck

Nay: None

13-0 Vote, 1 Absent, Motion carried.

4. Items to be Removed/Added/Changed

There were no items to be removed, added or changed.

5. Matters From the Public (For Items NOT on the Agenda)

There were no matters from the public for items not on the agenda.

6. Consent Agenda

(The Consent Agenda is made up of items recommended by city staff that requires recommendation to the full City Council by the COW. This agenda is placed as a separate item on the COW agenda. The items on the Consent Agenda are usually minor items, already budgeted, standard non-policy activities or outgrowths of earlier meetings and are voted on as a "package" in the interest of saving time on non-

controversial issues. However, any council member may, by simple request, have an item removed and placed on the “regular” agenda.)

- a. Approval: COW Executive Session Minutes July 30, 2019, September 10, 2019, October 22, 2019, October 29, 2019, December 3, 2019, December 10, 2019, January 28, 2020, February 11, 2020, February 25, 2020 and April 14, 2020**

Motion: To approve the Consent agenda for approval of COW Executive Session Minutes from July 30, 2019, September 10, 2019, October 22, 2019, October 29, 2019, December 3, 2019, December 10, 2019, January 28, 2020, February 11, 2020, February 25, 2020 and April 14, 2020

Maker: Chanzit

Second: Knopp

Roll Call Vote: **Aye:** Chanzit, Baerren, Wolff, O’Brien, Callahan, Meitzler, Malay, Uher, Cerone, Miller, Russotto, Beck, Knopp

Nay: None

13-0 Vote, 1 Absent, Motion carried.

7. Ordinance 20-36: Surplus Property Police Vehicles (SM 6/08/20) CS

Chair Wolff overviewed the memo.

Motion: To recommend approval of Ordinance 20-36: Surplus Property Police Vehicles

Maker: Wolff

Second: Russotto

Roll Call Vote: **Aye:** Wolff, O’Brien, Callahan, Meitzler, Malay, Uher, Cerone, Miller, Russotto, Beck, Knopp, Chanzit, Baerren

Nay: None

13-0 Vote, 1 Absent, Motion carried.

CONSENT AGENDA

8. Resolution 20-056-R: Approving Service Agreement with Koloni Inc. for Bike Share Program (LN 6/12/20) CS

Chair Wolff stated that this discussion is whether or not we would like to move forward with this program. Wolff continued that he feels that this is something that would be used quite a bit by the community and it is something that we should be a part of having bike paths on both sides of our town. The Committee of the Whole (COW) discussed the cost, other participants in the network, and sanitation. Chair Wolff asked if there were any questions or comments from the meeting attendees and there were none.

Motion: To recommend approval of Resolution 20-056-R: Approving Service Agreement with Koloni Inc. for Bike Share Program

Maker: Wolff

Second: Beck

Roll Call Vote: **Aye:** Wolff, O’Brien, Callahan, Meitzler, Malay, Uher, Cerone, Miller, Russotto, Beck, Knopp, Chanzit, Baerren

Nay: None

13-0 Vote, 1 Absent, Motion carried.

9. Resolution 20-083-R: Approval for Exception to City Employee Handbook Policy Regarding Maximum Carryover Hours (WB 6/16/20) GS

Chanzit summarized the memo and stated that this is a change to allow 20 days to be advanced into 2021 and up to 15 days of carry over to go into 2022. There is a need for appropriate staffing and this policy would prevent the payment of overtime. Newman added that this policy is 100% COVID-19 driven and we have had to shift and adjust schedules. Under our ordinary policy, they would have to use their vacation time or lose it. Allowing a greater amount of carry-over would allow us to extend over the next couple of years the ability to work back down to our ordinary policy in two years.

Motion: To recommend to City Council approval of Resolution 20-083-R: Approval for Exception to City Employee Handbook Policy Regarding Maximum Carryover Hours

Maker: Chanzit

Second: Knopp

Roll Call Vote: **Aye:** Chanzit, Baerren, Wolff, O'Brien, Callahan, Meitzler, Malay, Uher, Cerone, Miller, Russotto, Beck, Knopp

Nay: None

13-0 Vote, 1 Absent, Motion carried.

CONSENT AGENDA

*Alderman McFadden entered the meeting.

10. Presentation: Report on the Findings and Conclusion of a Conservation Area TIF Feasibility Study

Aiston presented the results of the study that he headed but relied on the help of City staff to complete with the respect of the feasibility of creating a brand new TIF District in the City of Batavia. The tentative name for this new TIF district is the 'Near East Downtown District.' Aiston presented a PowerPoint presentation via 'GoToWebinar' for the meeting attendees to view. The presentation included the following information:

- Redevelopment Project Area
- Prevalent Factors
- City of Batavia EAV Data: Assessment Years 2014-19
- Moving forward
- Questions

The Committee discussed the EAV data, taxes, potential projects for TIF increments, funding source for grants made possible by the TIF, property statuses, nonconforming uses, benefits to the downtown, and pedestrian traffic.

Callahan asked if we want to do this because this is what we are going to do with One North Washington. If we are not, if the votes are not there to continue with One North Washington than

we should not create this new TIF because we would be doing what we are trying to prevent, cutting into time until it is actually needed. If One North Washington is going to move forward then we could re-TIF. If it is not going to go forward, than starting a new TIF with its clock already running is pointless. Newman stated that since the One Washington Place Redevelopment is not on the agenda tonight she recommended that it be placed onto a future COW agenda so that members of the public have the opportunity to weigh in on that discussion. Malay suggested getting the Redevelopment Agreement in place and then do the TIF so that we have the longest possible window. Aiston stated that we hope that does happen. We expect to have an amended RDA for your consideration this fall.

Newman stated that what put us in the position to do a Feasibility Study was the unanimous approval of doing the Feasibility Study after the developer made a presentation of the revised plan that he put forth. All we are asking for tonight is to go from the Feasibility Study to the Redevelopment Plan in moving forward towards establishment of the TIF. We are trying to move forward in a parallel sequence so that should the project be approved we could start to build it as early as possible, either before the end this year or when construction becomes possible next year. If the project is approved, the sooner we build it the sooner the increment comes in. Callahan stated that his recollection of the unanimous approval was to discuss the pros and cons of the establishment of it. His vote towards the unanimous was not a go ahead and do this and get it all ready to go. It was do we want to do this and that is this part.

Members of the public were welcomed to address the Committee. Sylvia Keppel thanked the Committee for their discussion on this matter. She continued that the State limits the TIFs to 23 years plus a single possible extension of 12 years. What was the point behind that? They had to have a reason for doing that. She would say that the reason was to limit the duration of the TIFs because taxing bodies are missing out of their taxes during that time. Keppel stated she knows that there is a concern to go through this process quickly before anything changes but why would it change. There are enough loopholes to drive a truck through and one of which is what you are talking about doing tonight. TIF 1 and roll into TIF 6, you are talking about parcels that are taken off the tax rolls for 54 years. That is an awfully long time. It would have an increase from a new base EAV but the 35 years that you lost they do not come back for the School District, the Library or the Park District. She would like to make a suggestion, there is no requirement and you could do whatever you want in a formation of a TIF. Even if the Joint Review Board voted against this TIF the City has all of the authority to make the decision on the TIF. However, on the extension it must be approved by 100% of the taxing bodies and then it goes to legislature for approval. She is asking the City to commit to applying the same standards to the Joint Review Board if you decide to go through with TIF 6 as you would do with the extension, which means 100% of the taxing bodies have to agree to this TIF. If it is a great idea they would support it. Fifty-four years is a long time for the taxing bodies to go without that money. Second, she would like to point out that one of the issues we didn't talk about is the 'but for' standard. 'But for' this TIF development would not occur. She does not think you could go through with the 'but for' because if nothing happened and a new TIF was not formed, all of these properties are in existing TIFs that were created for the exact reasoning 'but for' the TIF no development would occur. If you did nothing the parcels are still in a TIF and you cannot argue that 'but for' this new TIF that development would occur. Finally, she asked the COW to take a look at the boardwalk shops. It's a great idea and has had great success. What has made them a great success is that they are

small and they have a low rent. Keppel suggested smaller scale retail with apartments over it and still have parking behind it. Look at the success of the boardwalk shops, see why they are such a success and see how you could expand that into the downtown.

Juliana Consuelo, owner of Bocaditos, addressed the Committee. She stated that she was hoping to provide some perspective as a business owner and a tenant of a business in the historic downtown in a building that was on the presentation as a blighted building. There were many interesting points and many in which she agreed with. She felt that the conversation moved away from the presentation. She does think it is important to think about the current state of things and it is easy to see up to now the owners of the buildings have not been incentivized to make any changes to the buildings. The responsibility has laid with the tenants. And as a tenant that is in between a rock and a hard place we see the downside of being in a blighted building. There is a lot to be said about improving the existing spaces. The tiny shops are a great incubator space and that is what they are meant to be. She would like to see a lot more attention made towards fixing up the historic downtown in order for the incubated businesses to move into a permanent space. If the building itself does not look great or up to code there would be no desire to move into that space and pay a higher rent. She would like to see more focus on repairing these existing buildings and if this TIF is created, how is this going to be presented to land owners and businesses owners. Is there anything the City would do to help tenants and landlords come into agreement where these funds could be appropriately used.

Callahan stated that in regards to her building, there was a significant incurred cost as it related to the easement and the approval of those funds that went to that building owner. We know when we gave that money there were specific improvements to be incentivized for exterior and interior improvements. As comes with these things, we could not make a building owner do anything with those funds. We did specifically give money in this project to the owner of that building. Whether or not it is being spent still goes to the owner of that building. Callahan stated he believes that the amount was \$125,000. Newman stated that establishing this new TIF would allow for increments to be used towards TIF eligible expenses for any properties within the TIF. With the existing TIF we have done Façade Grants and those in the district have used those funds to improve their buildings. Callahan stated that she is in a building that had deficiencies cited for being considered blight and under the existing TIF 5 we have already supplied funds that could have resolved some of that and those things go to the property owner. Newman stated that was a matter of the way that the easement agreement was written was in order for us to obtain the easement rights the business owner required that the mandatory language be removed from that purchase agreement.

Motion: To accept the findings in the Feasibility Report and direct the consultant to move to the next stage of creating the Redevelopment Plan

Maker: Wolff

Second: McFadden

Roll Call Vote: **Aye:** Chanzit, Baerren, Wolff, O'Brien, Malay, Cerone, Russotto, Beck, McFadden

Nay: Miller, Knopp, Callahan, Meitzler, Uher

9-5 Vote, 0 Absent, Motion carried.

11. Project Status

Newman reported on the following:

- The IEPA has approved and signed the two loans which makes it possible for us to move forward with the 2020 planned improvements for Area 3.
- The South Water Street tables and umbrellas have been installed and Advanced is putting the garbage receptacles in that area. Al fresco dining will be available on the east side on North River Street and also on the west side on South Water Street.

12. Other

Malay announced he had a meeting with the owners of Wilson Street Tavern and Oak and Swine. They are excited about the traffic that was created by the boardwalk shops. They would like to collaborate to put up a tent in the alley on the side of their buildings. They are prepared to make a significant investment while the time is right. Malay expressed his support to allow these businesses to have a tent installed. Newman stated that there is an application process and Community Development will process the application.

O'Brien announced that the Supreme Court made a landmark decision regarding the LGBTQ community and he applauds that decision. Additionally, across the nation we have had protests for Black Lives Matter and we as community leaders need to keep that on the forefront at all times. We are all equal citizens under the law and equal rights for all people under the law.

13. Adjournment

There being no other business to discuss, Chair Wolff asked for a motion to adjourn the meeting at 9:39pm; Made by O'Brien; Seconded by Knopp. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith, Recording Secretary, on June 24, 2020.

CITY OF BATAVIA

DATE: June 24, 2020
TO: Committee of the Whole
FROM: Randy Deicke, Fire Chief
SUBJECT: Ordinance 20-42 Declaring Surplus Property

I would like to recommend that we declare the following vehicle surplus property so that we may sell or auction the vehicle.

2004 Ford Explorer Vin # 1FMZU73WX4ZA99296

The vehicle is 16 years old, has 75,000 miles and has significant rust on it.

Staff recommends that Ordinance 20-42, declaring the above listed property to be surplus property and authorizing the sale of this vehicle, be put on the Consent Agenda for the July 6, 2020 City Council Meeting.

If you have any questions or require additional information, please contact me.

cc: Jeffery D. Schielke, Mayor
 City Council
 Laura Newman, City Administrator
 Ellen Posledni, City Clerk
 Peggy Colby, Finance Director

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 20-42**

**AN ORDINANCE DECLARING CERTAIN PROPERTY TO BE
SURPLUS AND AUTHORIZING SALE THEREOF**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
6TH DAY OF JULY 2020**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 6th day of July, 2020

Prepared by:

City of Batavia
100 N. Island Ave.
Batavia, IL 60510

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 20-42**

**AN ORDINANCE DECLARING CERTAIN PROPERTY TO BE
SURPLUS AND AUTHORIZING SALE THEREOF**

WHEREAS, in the opinion of the corporate authorities of the City of Batavia, it is no longer necessary or useful to or for the best interest of the City to retain the following described property:

2004 Ford Explorer Vin # 1FMZU73WX4ZA99296

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Batavia, Kane and DuPage Counties, Illinois, as follows:

SECTION 1: Pursuant to Section 11-76-4 of the Illinois Municipal Code, the City Council finds that the following described personal property:

2004 Ford Explorer Vin # 1FMZU73WX4ZA99296

and currently owned by the City, is no longer necessary or useful to the City of Batavia and the best interest of the City will be served by the sale.

SECTION 2: Pursuant to Section 11-76-4, the City of Batavia Fire Department be and is hereby authorized and directed to sell said above described property.

SECTION 3: This Ordinance shall be in full force and effect from and after its passage and approval in the manner provided by law:

CITY OF BATAVIA, ILLINOIS ORDINANCE 20-42

PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this 6th day of July 2020.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 6th day of July 2020

Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien					Baerren				
2	Callahan					Wolff				
3	Meitzler					Chanzit				
4	Malay					Knopp				
5	Uher					Beck				
6	Cerone					Russotto				
7	McFadden					Miller				
Mayor Schielke										
VOTE: ___ Ayes ___ Nays ___ Absent ___ Abstentions Total holding office: Mayor and 14 aldermen										

ATTEST:

Ellen Posledni, City Clerk



MEMO

TO: Mayor and City Council

FROM: Peggy Colby, Finance Director

DATE: June 26, 2020

RE: **Resolution 20-086R** Authorizing a Representative to Sign State Revolving Loan Fund Documents (GS)
Ordinance 20-41 AN ORDINANCE authorizing the City of Batavia, Kane and DuPage Counties, Illinois, to issue Waterworks Revenue Bonds in an aggregate principal amount not to exceed \$3,900,000 in evidence of loans issued pursuant to the Public Water Supply Loan Program

The Water Utility is in the process of applying for an IEPA Loan for improvements to the Water Treatment Plant as outlined in the 2020 Budget. As part of the application process, the IEPA requires the City Council to authorize an alternate to the Mayor to sign IEPA loan documents and certifications. Resolution 20-086-R authorizes me, as Finance Director to sign the documents. It does not authorize me to enter new debt, only the City Council can authorize debt issuance.

The IEPA loan also requires an authorizing Bond Ordinance which is included on the Agenda as Ordinance 20-41. The authorization states that the City has legal authority to enter into a loan agreement with the IEPA should the application be approved. The Ordinance does not guarantee that the City will be approved for the loan, although we do have confirmation that we are on the list of eligible funding. Our Bond Counsel at Chapman and Cutler has drafted Ordinance 20-41, An Ordinance authorizing the City of Batavia, Kane and DuPage Counties, Illinois, to issue Waterworks Revenue Bonds in an aggregate principal amount not to exceed \$3,900,000 in evidence of loans issued pursuant to the Public Water Supply Loan Program.

Cc: Laura Newman
Gary Holm
Jeremy Barkei
File

**CITY OF BATAVIA, ILLINOIS
RESOLUTION 086-R**

**RESOLUTION AUTHORIZING A REPRESENTATIVE TO SIGN
STATE REVOLVING FUND (SRF) LOAN DOCUMENTS**

WHEREAS, application provisions for loans for the Public Water Supply and/or the Water Pollution Control Loan Program requires that the Mayor of the City of Batavia authorize a representative to sign the SRF loan application forms and supporting documents for any SRF loan application being made towards eligible City of Batavia Drinking Water and Wastewater Improvements.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Batavia, Kane and DuPage Counties, Illinois, as follows:

SECTION 1. That Peggy Colby, Finance Director of the City of Batavia, is hereby authorized to sign all loan application forms and documents pertaining to current and future SRF loans.

SECTION 2. Effective Date. This resolution shall be in full force and effect forthwith upon its adoption.

CITY OF BATAVIA, ILLINOIS, RESOLUTION 20-086-R

PRESENTED to the City Council of the City of Batavia, Illinois, this 6th day of July, 2020.

PASSED by the City Council of the City of Batavia, Illinois, this 6th day of July, 2020

APPROVED by me as Mayor of said City of Batavia, Illinois, this 6th day of July, 2020.

Jeffery D. Schielke, Mayor

Ward	Aldersperson	Ayes	Nays	Absent	Abstain	Aldersperson	Ayes	Nays	Absent	Abstain
1	O'Brien					Baerren				
2	Callahan					Wolff				
3	Meitzler					Chanzit				
4	Malay					Knopp				
5	Uher					Beck				
6	Cerone					Russotto				
7	McFadden					Miller				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	Abstentions					
Total holding office: Mayor and 14 aldermen										

ATTEST:

Ellen Posledni, City Clerk



MEMO

TO: Mayor and City Council

FROM: Peggy Colby, Finance Director

DATE: June 26, 2020

RE: **Resolution 20-086R** Authorizing a Representative to Sign State Revolving Loan Fund Documents (GS)
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Cc: Laura Newman
Gary Holm
Jeremy Barkei
File

EXTRACT OF MINUTES of a regular public meeting of the City Council of the City of Batavia, Kane and DuPage Counties, Illinois, held in the City Council Chambers of City Hall, 100 North Island Avenue, Batavia, Illinois, in said City, at 7:30 o'clock P.M., on the 6th day of July, 2020.

* * *

The Mayor called the meeting to order and directed the City Clerk to call the roll. Upon the roll being called, the Mayor and the following Aldermen were physically present at said location: _____

The following Aldermen were allowed by a majority of the Aldermen in accordance with and to the extent allowed by rules adopted by the City Council to attend the meeting by video or audio conference: _____

No Alderman was not permitted to attend the meeting by video or audio conference.

The following Aldermen were absent and did not participate in the meeting in any manner or to any extent whatsoever: _____

The Mayor announced that in order to finance the necessary improvements to the City's waterworks system, it would be necessary for the City to issue Waterworks Revenue Bonds in an amount not to exceed \$3,900,000, and that the City Council would consider the adoption of an ordinance authorizing the issuance of such bonds.

Thereupon, the City Clerk presented, the Mayor explained, and there was read by title an ordinance as follows, a copy of which was provided to each Alderman prior to said meeting and to everyone in attendance at said meeting who requested a copy:

ORDINANCE NO. 20-41

AN ORDINANCE authorizing the City of Batavia, Kane and DuPage Counties, Illinois, to issue Waterworks Revenue Bonds in an aggregate principal amount not to exceed \$3,900,000 in evidence of loans issued pursuant to the Public Water Supply Loan Program.

WHEREAS, the City of Batavia, Kane and DuPage Counties, Illinois (the “*City*”), has a population of more than 25,000, and in accordance with the provisions of Section 6(a) of Article VII of the 1970 Constitution of the State of Illinois (the “*Constitution*”), the City is a home rule unit of government and, as such, may exercise any power or perform any function pertaining to its government and affairs including, but not limited to, the power to tax and to incur debt; and

WHEREAS, pursuant to the provisions of Section 6(a) of the Constitution, the City has the power to incur debt payable from any lawful source and maturing within forty (40) years from the time it is incurred without prior referendum approval; and

WHEREAS, the for many years the City has operated a municipal waterworks system (the “*System*”) in accordance with the provisions of Division 129 of Article 11 of the Illinois Municipal Code, as supplemented and amended, and in particular as supplemented by the Local Government Debt Reform Act, as amended (collectively, the “*Act*”); and

WHEREAS, the City Council of the City (the “*Corporate Authorities*”) has determined that it is advisable, necessary, and in the best interest of the public health, safety, and welfare to undertake the following project with respect to the System:

The City's two water treatment plants (“WTPs”) have several components which are nearing the end of their service life and are in need of upgrades in order to maintain treatment of potable water to the City's residents and maintain compliance with all applicable regulations. Both WTPs No. 1 and 2 are located at the same site and discharge to the same transmission main, therefore activities to conduct improvements at both plants under one project are more efficient.

Specific activities to upgrade/improve operations at the WTPs include the following: the rehabilitation of the pumping equipment at Wells Nos. 9, 10, and 11; the rehabilitation of six high service pumps; rehabilitation of the filter at WTP 1; replacement of the backwash lagoon with an underground backwash holding tank for WTP 1; expansion of a brine generator/storage room at WTP 2 for new brine tanks; the replacement of sodium hypochlorite feed pumps; and various building modifications.

together with any land or rights in land and all electrical, mechanical or other services necessary, useful or advisable to the construction and installation (the “Project”), all in accordance with the plans and specifications prepared by the consulting engineers of the City, which Project has a useful life of 20 years; and

WHEREAS, the estimated cost of construction and installation of the Project, including engineering, legal, financial, bond discount, printing and publication costs, and other expenses, is not less than \$3,900,000, and there are insufficient funds on hand and lawfully available to pay these costs; and

WHEREAS, it is necessary and for the best interests of the City that the Project be undertaken and in order to finance the costs thereof it will be necessary for the City to issue up to \$3,900,000 payable from the revenues of the System as authorized by the Act (the “Bonds”); and

WHEREAS, the State of Illinois (the “State”), acting through the Illinois Environmental Protection Agency (the “IEPA”), has offered to make loans (the “Loans”) to

the City, to be evidenced by waterworks revenue bonds, through the “Public Water Supply Loan Program” (the “*Program*”), for the purpose of paying certain eligible costs of the Project; and it is necessary and advisable to authorize the acceptance of the Loans and execution of appropriate Loan documents at the appropriate times; and

WHEREAS, pursuant to and in accordance with the provisions of the Act, the City is authorized to borrow funds from the Program and may issue the Bonds in evidence thereof for the purpose of providing funds to pay the costs of the Project; and

WHEREAS, such loan or loans to the City may be made pursuant to a loan agreement or agreements and bond ordinance or ordinances, with such terms and conditions as may be provided by the IEPA; and

WHEREAS, if funds from the Program are unavailable in a timely manner, the City may pursue the issuance of the Bonds in the conventional public municipal markets:

NOW THEREFORE, be it ordained by the City Council of the City of Batavia, Kane and DuPage Counties, Illinois, as follows:

SECTION 1. INCORPORATION OF PREAMBLES

The Corporate Authorities hereby find that the recitals contained in the preambles are true and correct, and incorporate them into this Ordinance by this reference.

SECTION 2. DETERMINATION TO BORROW FUNDS AND ISSUE BONDS

It is necessary and in the best interests of the City to undertake the Project for the public health, safety, and welfare, in accordance with the plans and specifications, as described; that the System continues to be operated in accordance with the provisions of the Act, and that, for such purpose, there are hereby authorized to be issued and sold the Bonds in an aggregate principal amount not to exceed \$3,900,000, and in connection therewith, the City is authorized to enter into an agreement with the IEPA for the Loan (the "*Loan Agreement*").

SECTION 3. ADDITIONAL ORDINANCES

The Corporate Authorities may adopt additional ordinances or proceedings supplementing or amending this Ordinance, providing for entering into the Loan Agreement with the IEPA, prescribing all the details of the Bonds, and providing for the collection, segregation and distribution of the revenues of the System, so long as the maximum amount of the Bonds as set forth in this Ordinance is not exceeded and there is no material change in the Project or purposes described herein. Any additional ordinances or proceedings shall in all instances become effective in accordance with the Act or other applicable laws. This Ordinance, together with such additional ordinances or proceedings, shall constitute complete authority for entering into the issuance of the Bonds under applicable law.

However, notwithstanding the above, the City may not adopt additional ordinances or amendments which provide for any substantive or material change in the scope and intent of this Ordinance, including but not limited to interest rate, preference or priority of any other ordinance with this Ordinance, parity of any other ordinance with this Ordinance, or otherwise alter or impair the obligation of the City to pay the principal and interest due

to the Program without the written consent of the IEPA.

SECTION 4. LOAN NOT INDEBTEDNESS OF CITY OF BATAVIA

Repayment of the Bonds to the IEPA by the City pursuant to this Ordinance is to be solely from the revenue derived from the revenues of the System, and neither the Bonds nor the Loan constitute an indebtedness of the City within the meaning of any constitutional or statutory limitation.

SECTION 5. APPLICATION FOR LOAN

The Mayor is hereby authorized to make application to the IEPA for a Loan through the Program, in accordance with the loan requirements set out in 35 Ill. Adm. Code 662.

SECTION 6. ACCEPTANCE OF LOAN AGREEMENT; EXECUTION OF LOAN AGREEMENT

The Corporate Authorities hereby authorize acceptance of the offer of a Loan through the Program, including all terms and conditions of the Loan Agreement as well as all special conditions contained therein and made a part thereof by reference. The Corporate Authorities further agree that the Loan funds awarded shall be used solely for the purposes of the Project as approved by the IEPA in accordance with the terms and conditions of the Loan Agreement.

The Mayor of the City is hereby authorized and directed to execute the Loan Agreement with the IEPA. The Corporate Authorities may authorize by resolution a person other than the Mayor for the purpose of authorizing or executing any documents associated with payment requests or reimbursements from the IEPA in connection with the Loan.

SECTION 7. OUTSTANDING OBLIGATIONS

The City has outstanding obligations that are payable from revenues of the System (the "*Prior Obligations*"). The Bonds to be issued hereunder will be issued on parity with the Prior Obligations, and no obligations of the City will be senior to the Bonds with respect to the revenues of the System.

SECTION 8. SEVERABILITY

If any section, paragraph, clause or provision of this Ordinance is held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Ordinance.

SECTION 9. REPEALER

All ordinances, resolutions, orders, or parts thereof, which conflict with the provisions of this Ordinance, to the extent of such conflict, are hereby repealed.

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PASSED by the Corporate Authorities
on July 6, 2020.

APPROVED July 6, 2020

Jeffrey Schielke
Mayor
CITY OF BATAVIA
Kane, County, Illinois

AYES: _____
NAYS: _____
ABSENT: _____

PUBLISHED in the _____ on _____, 2020.

RECORDED in the CITY OF BATAVIA Records on _____, 2020.

ATTEST:

Ellen Posledni

CITY OF BATAVIA Clerk

CITY OF BATAVIA of Kane County, Illinois

Alderman _____ moved and Alderman _____ seconded the motion that said ordinance as presented and read by the City Clerk be adopted.

After a full and complete discussion thereof, including a public recital of the nature of the matter being considered and other information that informed the public, of the business being conducted, the Mayor directed that the roll be called for a vote upon the motion to adopt the ordinance as read.

Upon the roll being called, the following Aldermen voted AYE: _____

NAY: _____

Whereupon the Mayor declared the motion carried and the ordinance adopted, and henceforth did approve and sign the same in open meeting and did direct the City Clerk to record the same in full in the records of the City Council of the City of Batavia, Kane and DuPage Counties, Illinois, which was done.

Other business not pertinent to the adoption of said ordinance was duly transacted at said meeting.

Upon motion duly made and seconded, the meeting was adjourned.

City Clerk

STATE OF ILLINOIS)
) SS
COUNTY OF KANE)

CERTIFICATION OF ORDINANCE AND MINUTES

I, the undersigned, do hereby certify that I am the duly qualified and acting City Clerk of the City of Batavia, Kane and DuPage Counties, Illinois (the “City”), and as such officer I am the keeper of the books, records, files, and journal of proceedings of the City and of the City Council thereof (the “Council”).

I do further certify that the foregoing constitutes a full, true and complete transcript of the minutes of the meeting of the Council held on the 6th day of July, 2020, insofar as same relates to the adoption of Ordinance No. _____ entitled:

AN ORDINANCE authorizing the City of Batavia, Kane and DuPage Counties, Illinois, to issue Waterworks Revenue Bonds in an aggregate principal amount not to exceed \$3,900,000 in evidence of loans issued pursuant to the Public Water Supply Loan Program.

a true, correct and complete copy of which said ordinance as adopted at said meeting appears in the foregoing transcript of the minutes of said meeting.

I do further certify that the deliberations of the Council on the adoption of said ordinance were conducted openly, that the vote on the adoption of said ordinance was taken openly, that said meeting was held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that an agenda for said meeting was posted at the location where said meeting was held and at the principal office of the Council at least 96 hours in advance of the holding of said meeting, that at least one copy of said agenda was continuously available for public review during the entire 96-hour period preceding said meeting, that said agenda contained a separate specific item concerning the proposed adoption of said ordinance, a true, correct and complete copy of the agenda as so posted being attached hereto as *Exhibit A*, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and with the provisions of the Illinois Municipal Code, as amended, and that the Council has complied with all of the applicable provisions of said Act and said Code and its procedural rules in the adoption of said ordinance.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of the City,
this 6th day of July, 2020.

City Clerk, City of Batavia,
Kane and DuPage Counties, Illinois

[SEAL]