

CITY OF BATAVIA

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

Committee of the Whole Agenda

Tuesday, October 26, 2021
7:00 PM Council Chambers 1st Floor

Hybrid Meeting

To participate in the live meeting use the Webinar link below to register for the event at
Registration Link

https://cityofbatavia-net.zoom.us/webinar/register/WN_9-Q8nCQxTpuOCUE2blhR9Q. You
will need to provide your name and email address.

Residents can listen by phone to the Committee of the Whole meeting by Dialing (312) 626-6799
and use the Webinar ID 939 1353 8237. Webinar Passcode is **693292**. Callers can ask
question by pressing *9 to raise their hand.

Questions can be asked prior to the meeting by emailing publiccomment@cityofbatavia.net.

For viewing purposes only, the meeting will be broadcast live on BATV's YouTube channel
which can be accessed at <https://www.youtube.com/user/BATV1017>

1. Roll Call
2. Reminder: Please Speak Directly Into Microphone For BATV Recording
3. Approve Minutes For: September 14, 2021

Documents:

[COW 21-14-09M.PDF](#)

4. Items Removed/Added/Changed
5. Matters From The Public (For Items NOT On Agenda)
6. Presentation: Water Treatment Plant Monthly Construction Update
7. Ordinance 21-61: Establishing SSA 56 For Fox Valley Business Park. (DR 10/21/21) CD

Documents:

[ORD 21-61 FVBP ESTABLISHING SSA 56.PDF](#)

8. Project Status

9. Other

10. Adjournment

MINUTES
September 14, 2021
Committee of the Whole – Hybrid Meeting
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 Wolff called the meeting to order at 7:01pm.

1. Roll Call

Members Present: Chair Wolff; Ald. Miller, Russotto, Beck (online), Knopp (online), Chanzit, Solfa, Baerren, Leman (online-joined at 7:25pm), Ajazi (online), Malay (online), Uher and Vogelsinger (online-joined at 7:04pm)

Members Absent: Ald. Cerone

Also Present: Mayor Schielke; Laura Newman, City Administrator; Wendy Bednarek, Director of Human Resources (online); Peggy Colby, Director of Finance (online); Gary Holm, Director of Public Works; Scott Buening, Director of Community and Economic Development; Rahat Bari, City Engineer; Griffin Price, Communications Manager; Anthony Isom, Assistant to the City Administrator (online); and Jennifer Austin-Smith, Recording Secretary (online)

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

3. Approve Minutes for August 10, 2021

Motion: To Approve Minutes for August 10, 2021

Maker: Miller

Second: Knopp

Roll Call Vote: **Aye:** Miller, Russotto, Beck, Knopp, Chanzit, Solfa, Wolff, Baerren, Ajazi, Malay, Uher

Nay:

11-0 Vote, 3 Absent, Motion carried.

4. Items 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

Ald. Vogelsinger joined the meeting remotely at 7:04pm.

6. Consent Agenda

a. Approval: COW Executive Session Minutes from June 8, 2021, June 21, 2021 and June 29, 2021

Motion: To approve the COW Executive Session Minutes from June 8, 2021, June 21, 2021 and June 29, 2021

Maker: Miller

Second: Knopp

Roll Call Vote: **Aye:** Miller, Russotto, Beck, Knopp, Chanzit, Solfa, Wolff, Baerren, Ajazi, Malay, Uher, Vogelsinger

Nay:

12-0 Vote, 2 Absent, Motion carried.

7. Presentation: Encore Batavia “Interactive Art Map” – Britta McKenna

Britta McKenna discussed the Engage Volunteer Project launched this summer and the Interactive Arts Project with the Committee of the Whole (COW). The interactive art map was overviewed with the COW. McKenna discussed the different phases and noted that in Phase 2 they would like to add new art into the community.

8. Resolution 21-089-R: Approving a Plat of Dedication for Massie View north of Gore Street (SCB 9/3/21) CD

Buening reported this is a road that leads to the Oak Terrace Mobile Home Park. It is an area that is part of the original railroad right-of-way and we were talking about making this a formal road by dedicating it as public right-of-way. The City is maintaining the area but it has never been formally dedicated as a roadway. The Mayor came up with the name Massie View, recognizing the Massie family that had a lot of history in this part of the City.

Motion: To recommend approval of Resolution 21-089-R: Approving a Plat of Dedication for Massie View north of Gore Street

Maker: Wolff

Second: Miller

Roll Call Vote: **Aye:** Wolff, Baerren, Ajazi, Malay, Uher, Vogelsinger, Miller, Russotto, Beck, Knopp, Chanzit, Solfa

Nay:

12-0 Vote, 2 Absent, Motion carried.

CONSENT AGENDA

9. Triennial Land Cash Value Review per Ordinance 15-05 (SCB 9/7/21) CD

Chair Wolff overviewed the memo. Sheavoun Lambillotte, Executive Director of the Geneva Park District, addressed the COW. She stated that she sent an email this afternoon to Scott Buening outlining what Geneva Park District’s thoughts were on the subject. She emphasized that the Land Cash Fees are a very important tool in making sure that we keep up with the impact of new development as well as an opportunity to enhance our infrastructure. Since 2006, from the Batavia Land Cash Ordinance the Park District has received \$140,800. Since 2006, the Geneva Park District has put forth \$654,108 in infrastructure into Batavia parks that are within

the Geneva Park District. We have a vested interest in utilizing land cash fees for the development of parks within the City of Batavia. The City of Geneva reviews their land cash ordinance every three years, similar to Batavia. Since they have implemented the three-year review they have increased the value of cash per acre in accordance with their appraisals. The last appraisal we had per acre with Geneva was \$330,000. That vote will be taking place in Geneva soon. Geneva, St. Charles and Batavia are communities that are highly valued when it comes to land and development. The Park District and the City of Geneva are in the opinion that we value our property to the extent that we don't feel that making the Land Cash fair market value deters developers.

Chair Wolff commented that he does believe it is time to increase the Land Cash value. Uher agreed but questioned if it would interfere with the development that is process. Buening noted that there are options that could be done as part of the annexation agreement. Russotto stated that he is in favor of raising the value but he hesitates raising the value by more than 20%. Buening shared that the Land Cash values for St. Charles were assessed by true sales and Geneva did an appraisal method.

The general consensus of the Committee was in favor of raising the Land Cash value. The COW discussed an implementation date. Buening stated that they could do a specific implementation date, such as March 1st, and exempt any property that has received City Council approval prior to that date. Chair Wolff stated that he would be in support of that. Staff will return with an ordinance for the Committee.

10. Resolution 21-090-R: Authorizing Support of Participation in the 2021 Safe Routes to School Grant Program (CB 9/1/21) CS

Russotto overviewed the memo. Holm discussed filling in the missing gaps from the schools. Beck stated that funding could also be used towards traffic calming implementation. Beck suggested for future years to identify traffic calming areas and if they are close proximity to schools we could leverage funding for traffic calming as well.

Motion: To recommend approval of Resolution 21-090-R: Authorizing Support of Participation in the 2021 Safe Routes to School Grant Program

Maker: Russotto

Second: Beck

Roll Call Vote: **Aye:** Russotto, Beck, Knopp, Chanzit, Solfa Wolff, Baerren, Leman, Ajazi, Malay, Uher, Vogelsinger, Miller

Nay:

13-0 Vote, 1 Absent, Motion carried.

CONSENT AGENDA

11. Discussion: Design Approval of City Entryway Signs

Price shared an illustration of two sign options for the Community Gateway Signage. The new option was a vertical option. The cost estimate is not affected by the style of the sign panel but the materials. The Committee discussed the options. Price stated that he would come back with the same look in the blue and provide other options vertically and alternate materials. Chair Wolff stated that he would like a decision made on the entryway signs this year.

12. Discussion: Unbudgeted General Fund Capital Projects

Holm reported they developed a list of all of the projects and at the last meeting we agreed to prioritize them by years 1-5, 5-10 and 10+ based on their priorities. It was decided at the last meeting that the dam and depot pond project was moved to a 'b' list due to the future is a little bit more fuzzy than the other projects because we haven't decided on an alternate yet. Council took a vote to remove the pedestrian and bike ramp from the project list with the thought process that the Park District should undertake it. Holm stated that tonight we are going to discuss the American Rescue Plan Act (ARPA) funds and how they can be used towards infrastructure, such as stormwater, but could also be used towards other General Fund purposes.

Holm shared the document titled 'General Fund Unbudgeted Capital Project Planning' with the COW. Holm overviewed the bond process with the Committee for the Dam and Depot Pond project. He explained how bonds would be issued in 2023 since bonds would be issued in 2022 for the One Washington Place project.

Colby asked for another COW discussion ahead of budget time. Newman will send out the Treasury Department guidance on how ARPA funds can be spent to the Committee. This discussion will be put on the agenda at an upcoming COW meeting. Chair Wolff stated he would like the ARPA funds used towards one of the projects, especially in 2022. Chair Wolff asked staff to have this discussion to be held prior to budget discussions.

13. Project Status

Newman reported on the following:

- Tomorrow evening will be the first public open house for the dam and Depot pond. It is a virtual meeting and as of three o'clock this afternoon we had 168 people who were registered to attend the virtual meeting tomorrow. Information on how to register for the meeting can be found on the City website. There will be a presentation by Hitchcock Design Group of the five different alternatives and they will talk in depth about those as well as the cost. There will be an opportunity for questions to be answered. The public open house will be hosted live on YouTube and we will be monitoring questions in the Zoom webinar and comments on YouTube. A recording of that meeting will be made available afterwards on the City's website and the project website as well as a survey to collect opinions on the public for their preferred alternative. The questions that come from that meeting will be put on an FAQ for that project.
- A second in-person open house is scheduled for September 25th from 9am-10:30am at the Peg Bond Center. There will be an opportunity to take a survey at this session as well.
- The Energy Legislation has passed both the House and Senate. It provides for Prairie State to remain open fully until at least 2038. If at that time it has not achieved 45% carbon emission reduction then the plant would have to reduce its production period by 45% in order to achieve the carbon emission reduction. Newman pointed out the CEJA legislation in March 2021 there were elements in the legislation that would have negatively affected the City of Batavia that were subsequently removed. While our bond payments still extend to 2042, 2038 is seventeen years from now. In addition to extending the timeline for Prairie State the legislation also contains provisions for a study group aimed at looking at the special situation of the municipal utilities who are owners of Prairie State and the financial hardships an early

closure presents to those utilities to try to determine if there are ways to mitigate those financial impacts. We will continue to stay in on that discussion and look for solutions for us. Chair Wolff noted that the group has to be formed by 2028 and to him they should really be formed and start working on this as soon as they can.

- Newman had a meeting with Waste Management to discuss the problems people are having with purchasing stickers and the longer than tolerable wait times for resolving customer issues. The conversation was positive and they will be making changes to address those issues.

14. Other

Holm announced that October 12th would be the date for a final presentation by our consultants on the preliminary studies that were done for Carriage Crest. A postcard will be sent out to the neighbors there and the presentation date will also be posted on the City's website.

Holm shared the Mahoney Creek discussion will be held in November and the road diet project will be brought to City Council by the first week of October.

Miller asked about conversations about Wilson and North River One Way intersection. Holm answered that it is currently in engineering. The project should be bid out in 2022. By late 2021 we have to have all the engineering done and get ourselves through the IDOT permitting process. IDOT has verbally stated to us that they would expedite this permit based on the history of what has happened.

Uher asked when would Nicor fix our faux brick. Holm stated that Nicor has to hire an outside contractor. He will see if Nicor has something set up or maybe we could coordinate the one-way project with that.

Baerren stated that it is important to coordinate with local business owners with the timeline for the One Washington Street project so the business owners could start planning their events for next summer. Newman stated that she is working on it.

15. Executive Session:

- a. Personnel**
- b. Setting the Price of Land for Sale (SCB)**
- c. Purchase of Real Estate**

Motion: To enter into Executive Session for the purpose of personnel, setting the price of land for sale and purchase of real estate

Maker: Knopp

Second: Uher

Roll Call Vote: **Aye:** Knopp, Chanzit, Solfa, Wolff, Baerren, Ajazi, Malay, Uher Miller, Russotto, Beck

Nay:

11-0 Vote, 3 Absent, Motion carried.

The Committee entered Executive Session at 8:40pm and exited at 9:29pm.

16. Adjournment

There being no other business to discuss, Chair Wolff asked for a motion to adjourn the meeting at 9:30pm; Made by Knopp; Seconded by Malay. Motion carried.

TO: Committee of the Whole - CD

FROM: Drew Rackow AICP, Planner

DATE: October 21, 2021

RE: Ordinance 21-61: Establishing Special Service Area Number 56 – Fox Valley Industrial Park Subdivision and Fox Valley Business Park Resubdivision

Summary: Ordinance 21-61 would establish a back-up Special Service Area (SSA) for the Fox Valley Business Park (portions of which are still platted as the Fox Valley Industrial Park). A public hearing (as specified by [Ordinance 21-48](#)) regarding the establishment of the SSA is scheduled for the November 8th City Council meeting.

Background: SSA 56 is proposed to establish a back-up Special Service Area for all properties located in the Fox Valley Business Park/Industrial Park. In 2012 an SSA was proposed and approved, however it was not recorded within the statutorily required timeframe and lapsed. SSA 56 would act as a backup for detention areas, their related improvements and other open space areas in the subdivision. On September 7th, the City Council approved Ordinance 21-48 establishing a hearing date on November 8th. As of the writing of this memo, the City has not received a petition in opposition to establishing SSA 56.

SSA 56 would remain dormant and appear on a tax bill with a tax rate of zero. If The Fox Valley Business Park Owners Association ever failed in their obligation to maintain the stormwater management area or other common improvements, and the City were to incur an expense to maintain part or all these facilities, a public hearing would be held to activate the SSA. The SSA could be levied at a rate to cover the costs, up to a maximum levy of one dollar (\$1.00) per \$100 of equalized assessed valuation of each tax parcel.

Alternatives: The COW can recommend approval of Ordinance 21-61 as presented or with specified revisions, continue its consideration to review requested revisions, or recommend denial.

- **Impacts:** Approval will create a back-up SSA, allowing the City to recover its costs if incurred to complete maintenance or repair work for the detention area or other common area improvements. Staff time would be minimal to finalize and record the Ordinance. Only minor costs are associated to record the Ordinance, but SSA 56 allows the City to cover future costs.
- **Timeline for Action:** COW recommendation will allow this Ordinance to appear on the City Council Agenda with the already noticed public hearing to be held at the November 8th City Council meeting. The Council may adopt the Ordinance at that meeting. A sixty (60) day objection period commences after the conclusion of the public hearing.

Staff Recommendation: Staff recommends approval of Ordinance 21-61 as presented.

Attachment: Ordinance 21-61

C: Mayor and City Council
Department Heads
Media

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 21-61**

**AN ORDINANCE ESTABLISHING
SPECIAL SERVICE AREA NUMBER 56
FOX VALLEY INDUSTRIAL PARK SUBDIVISION AND
FOX VALLEY BUSINESS PARK RESUBDIVISION**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 8TH DAY OF NOVEMBER, 2021**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 9th day November, 2021

Prepared by and mail to:

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

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 21-61**

**AN ORDINANCE ESTABLISHING
SPECIAL SERVICE AREA NUMBER 56
FOX VALLEY INDUSTRIAL PARK SUBDIVISION AND FOX
VALLEY BUSINESS PARK RESUBDIVISION**

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

SECTION 1 - Authority to Establish Special Service Area: Special Service Areas are established by the City pursuant to Article VII, Section 6, of the Constitution of the State of Illinois, which provides that home rule units have the power to levy or impose additional taxes upon areas within their boundaries in the manner provided by law for the provision of special services to those areas , and pursuant to the Special Service Area Tax Law (35 ILCS 200/27-5, et seq.) which sets forth procedures by which Special Service Areas may be established and taxes levied.

SECTION 2 – Findings:

- A. The question of the establishment of the Area hereinafter described as a Special Service Area was considered on September 7, 2021 by the City Council pursuant to Ordinance 21-48 entitled, “An Ordinance Proposing the Establishment of Special Service Area Number 56 in the City of Batavia and Providing for a Public Hearing and Other Procedures in the Fox Valley Industrial Park Subdivision and Fox Valley Business Park Resubdivision”, and is considered pursuant to a Hearing to be held by the City Council on November 8, 2021, pursuant to Notice duly published in the Daily Herald, a newspaper published in the City of Batavia, at least fifteen (15) days prior to the Hearing, and pursuant to Notice by mail addressed to the person or persons or trustee in whose name the general taxes for the last preceding year were paid on each lot, block, tract or parcel of land lying within the Special Service Area. Said Notice was given by depositing said Notice in the United States Mail not less than ten (10) days prior to the time set for Public Hearing. A Certificate of Publication of said Notice is attached to this Ordinance as EXHIBIT 1.
- B. A Public Hearing on the questions set forth in the Notice was held on November 8, 2021. All interested persons were given an opportunity to be heard on the question of an annual tax for maintenance of certain improvements, including, but not limited to detention areas, open space areas, the drainage, wetland buffer and conservation easement, inlet and outlet structures therein, including the structures and landscaping and services to establish the Special Service Area and to administrate it, as set forth in the Notice. The Public Hearing was closed on November 8, 2021.
- C. Petitions objecting to the formation of Special Service Area Number 56 were not filed by at least 51% of the electors residing within the proposed Special Service Area Number 56

and by at least 51% of the owners of record of the land included within the boundaries of the proposed Special Service Area 56 within sixty (60) days of the closing of the public hearing.

- D. After considering the information, as presented at the Public Hearing, the City finds that it is in the public interest and in the interest of the City of Batavia Special Service Area Number 56 that said Special Service Area, as hereinafter described, be established.
- E. Said Area is compact and contiguous and constitutes a unique area of Batavia.
- F. It is in the best interests of said Special Service Area that the furnishing of the municipal services proposed be provided. The proposed municipal services are unique and in addition to the municipal services provided to the City of Batavia as a whole.

SECTION 3 - The City of Batavia Special Service Area Number 56 Established: A Special Service Area to be known and designated as "City of Batavia Special Service Area Number 56" is hereby established and shall consist of the territory legally described on EXHIBIT 2 and map of territory depicted on EXHIBIT 3 and attached hereto.

SECTION 4 – Purpose of Area: City of Batavia Special Service Area Number 56 is established to provide special municipal services to the Area in addition to services provided to the City generally. The purpose of the formation of the City of Batavia Special Service Area Number 56 in general is to provide special municipal services to the area including, but not limited to maintenance of certain improvements, including, but not limited to detention areas, open space areas, the drainage, wetland buffer and conservation easement, inlet and outlet structures therein, including the structures and landscaping and services to establish the Special Service Area and to administrate it. Such actions are only as a back-up in the event that the Owners Association dissolves or otherwise fails to maintain said improvements.

Annual taxes may be levied for the special services enumerated herein, on property in said Special Service Area Number 56, for said Special Service Area, in addition to all other City taxes; provided, that the special annual taxes shall be limited so that the total of said tax does not exceed an annual amount of one dollar (\$1.00) per \$100.00 of assessed value, as equalized, to be levied against the property included in Special Service Area Number 56. An initial levy shall be set at zero dollars and zero cents (\$0.00) per \$100.00 of assessed value, as equalized.

SECTION 5 – Effective Date: This Ordinance 21-61 shall be in full force and effect upon its presentation, passage and publication according to the law.

CITY OF BATAVIA ORDINANCE 21-61

PRESENTED to the City Council of the City of Batavia, Illinois, this 8th day of November, 2021.

PASSED by the City Council of the City of Batavia, Illinois, this 8th day of November, 2021.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 8th day of November, 2021.

Jeffery D. Schielke, Mayor

ATTEST:

Kate Garrett, City Clerk

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	Baerren					Solfa				
2	Leman					Wolff				
3	Ajazi					Chanzit				
4	Malay					Connelly				
5	Uher					Beck				
6	Cerone					Russotto				
7	Vogelsinger					Miller				
Mayor Schielke										
VOTE:		Ayes	Nays	Absent	Abstention(s)					
Total holding office:		Mayor and 14 Aldermen								

EXHIBIT 1: CERTIFICATE OF PUBLICATION

TO BE INSERTED

EXHIBIT 2: LEGAL DESCRIPTION

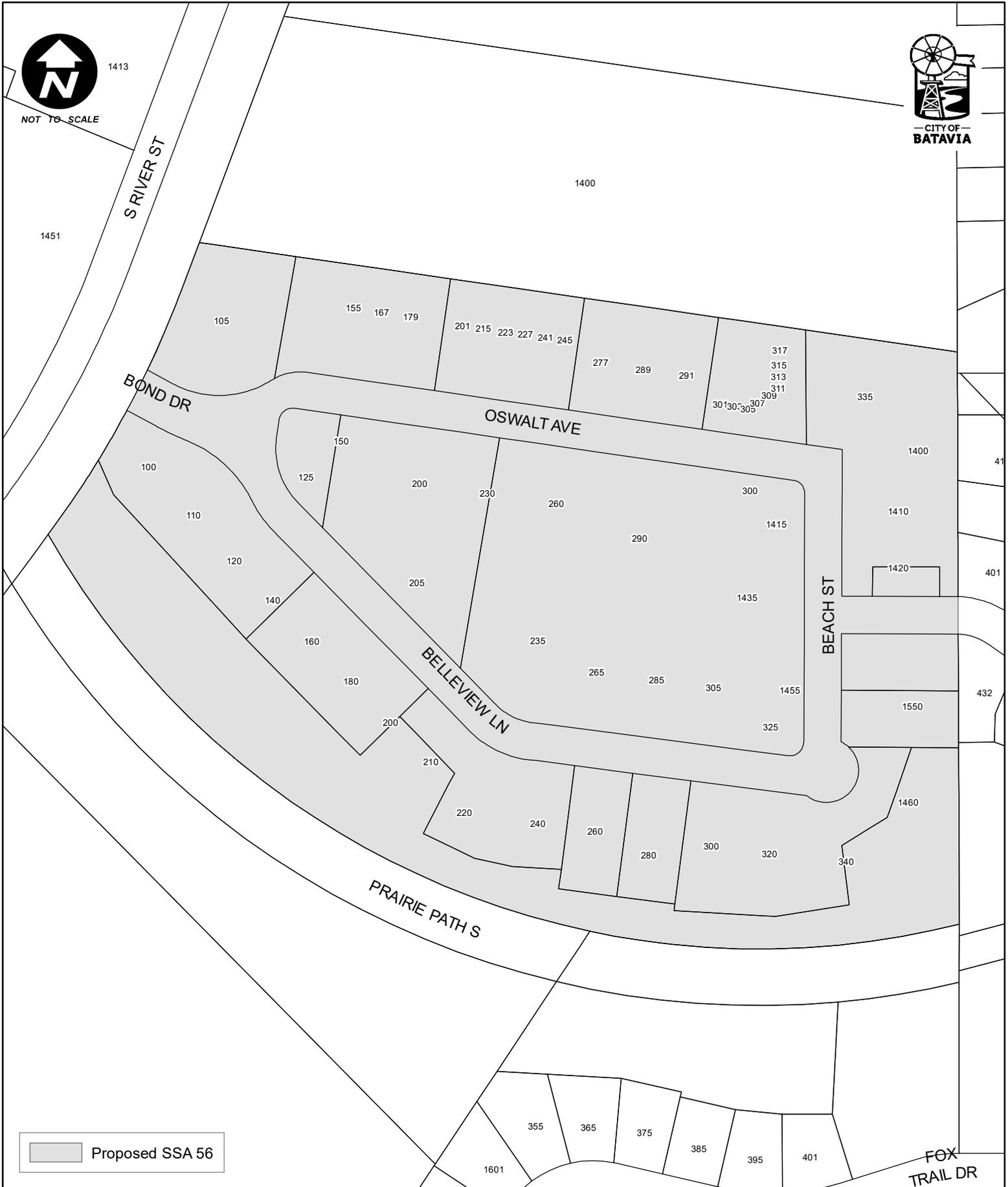
THE PROPERTY IS LEGALLY DESCRIBED AS FOLLOWS: LOTS 1, 2, 3, 4, 5, 6, 7, 13, 14, 19 AND 20, AND LOT 8 EXCEPTING THEREFROM THAT PORTION LOT 8 LOCATED EASTERLY OF A LINE THAT IS 30.5 FEET WESTERLY OF THE EASTERLY LINE OF SAID LOT 8, AS MEASURED ALONG THE NORTHERLY LINE THEREOF, AND EXTENDS SOUTHERLY TO THE SOUTHEAST CORNER OF LOT 8, AND ALL OF THE DEDICATED RIGHTS OF WAY OF BOND DRIVE, OSWALT AVENUE, BELLEVIEW LANE AND BEACH STREET WITHIN SAID SUBDIVISION, WITHIN THE FOX VALLEY INDUSTRIAL PARK SUBDIVISION, RECORDED DECEMBER 30, 1987 AS DOCUMENT 1885952, ALL IN THE CITY OF BATAVIA, BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS; AND

ALL OF THE FOX VALLEY BUSINESS PARK RESUBDIVISION, RECORDED FEBRUARY 7, 2012 AS DOCUMENT 2012K007824, ALL IN THE CITY OF BATAVIA, BATAVIA TOWNSHIP, KANE COUNTY, ILLINOIS

THE PERMANENT TAX INDEX NUMBERS OF THE PROPOSED SPECIAL SERVICE AREA NUMBER 56 ARE 1227278011, 1227278012, 1227278013, 1227278014, 1227278016, 1227278017, 1227278001, 1227278019, 1227278021, 1227278022, 1227426003, 1227426004, 1227427001, 1227427002, 1227427007, 1227427008, 1227427020, 1227427021, 1227427022, 1227427023, 1227427024, 1227428014, 1227428015 AND 1227428016 COMMONLY KNOWN AS 150-335 OSWALT AVENUE, 1400-1550 BEACH STREET, 100-115 BOND DRIVE, AND 120-340 BELLEVIEW LANE.

EXHIBIT 3: MAP OF SPECIAL SERVICE AREA

Exhibit 2: Special Service Area 56



Maps and data provided by the City of Batavia are not surveys or legal descriptions of land areas. GIS data obtained from the City of Batavia is intended for representational use only. This information, in either electronic or map form, is provided "as is". No warranty expressed or implied is made regarding the accuracy, timeliness, or completeness of the data, nor shall the act of distribution constitute any such warranty. This disclaimer applies both to individual use of the data and