

CITY OF BATAVIA
MINUTES OF THE BATAVIA CITY COUNCIL
April 19, 2021, 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 meeting was called to order by Mayor Schielke at 7:30 p.m.

2. INVOCATION followed by PLEDGE OF ALLEGIANCE

Mayor Schielke offered a brief invocation. Ald. Miller led the Pledge of Allegiance.

3. ROLL CALL

14 of 14 aldermen were present at roll call.

Aldermen (by ward) in attendance in person: Jennifer Baerren (1), Michael O'Brien (1) and Michael Russotto (6), Ald. Miller (7)

The following aldermen attended via the internet: Alan Wolff (2), Martin Callahan (2), Dan Chanzit (3), Elliot Meitzler (3), Joe Knopp (4), Tony Malay (4), Abby Beck (5), Mark Uher (5), Nicholas Cerone (6) and Drew McFadden (7)

Also attending were the following:

In person:

City Clerk

City Administrator

City Attorney

Ellen Posledni

Laura Newman

Roman Seckel

Via internet:

Public Works Director

Community and Economic Development Director

Fire Chief

Finance Director

Assistant City Administrator

Gary Holm

Scott Buening

Randy Deicke

Peggy Colby

Anthony Isom

4. REMINDER: Please speak into the microphone

Mayor Schielke reminded everyone to use their microphones.

5. ITEMS REMOVED/ADDED/CHANGED

None.

6. CONSENT AGENDA

Ald. Chanzit read the Consent Agenda as follows.

Accept and Place on File:

- A. Committee of the Whole Minutes February 23, 2021
- B. Plan Commission Minutes March 17, 2021
- C. Historic Preservation Commission March 22, 2021

Approvals:

- D. April 16, 2021 Payroll \$922,586.26
- E. Accounts Payable Check Register \$2,959,680.72
- F. City Council Minutes for April 5, 2021
- G. **APPROVAL:** COW executive Session Minutes for February 16, 2021
- H. **ORDINANCE 21-24:** Amending the Text of the Zoning Code (City Code Title 10) Relating to Signs in the DMU Downtown Mixed Use District, City of Batavia applicant (JLS 4/7/21 COW 4/13/21 12/0)
- I. **ORDINANCE 21-25:** Amending the Text of the Zoning Code (City Code Title 10) City of Batavia applicant (DMR 4/8/21 COW 4/13/21 12/0)

Motion by Ald. Chanzit, seconded by Ald. Knopp, to approve the Consent Agenda as presented. Motion carried 14 yea/ 0 nay/ 0 absent.

7. MATTERS FROM THE PUBLIC: (For Items NOT on the Agenda)

None.

8. PRESENTATION: Batavia Public Schools future-ready master facilities plan (Dr. Hichens, Superintendent)

Dr. Hichens addressed the Council regarding the district's master facilities plan, which has been in development for more than two years. More than 20 staff members, board members and community members have been part of a committee to develop the plan, and they are now seeking input from the broader community. A survey is available online at bps101.net/boft through April 27.

All school facilities are rated in fair or poor condition. Learning needs have changed, and enrollment trends are changing, so facilities need to be able to accommodate and respond to evolving conditions.

Mayor Schielke said community input will be very important. Batavia now has six senior living facilities, and many residents don't have computers to take an online survey. But they do vote, do their support for the final plan will be important. The mayor encouraged Dr. Hichens to return to the Council when the plan is developed so it can be shared with aldermen for their feedback.

9. BID OPENING 7:30 p.m.: Former Railroad Parcels South of Bernadette Lane (SCB) Director Buening opened two bids via online video feed. One was for \$1001 and one was for \$50. Bids will be reviewed by staff, who will bring recommendations back to Council.

10. PROCLAMATION: Motorcycle Awareness Month May 2021 – DuKane Chapter of A.B.A.T.E.

Ald. Chanzit read the proclamation declaring May 2021 Motorcycle Awareness Month.

**Motion by Ald. Chanzit, seconded by Ald. Wolff, to approve the proclamation as read.
Motion carried 14 yea / 0 nay / 0 absent.**

Mayor Schielke presented the proclamation to members of the DuKane Chapter of A.B.A.T.E.

11. PROCLAMATION: Arbor Day 2021

Ald. Chanzit read the proclamation declaring April 30, 2021, Arbor Day in the City of Batavia.

**Motion by Ald. Chanzit, seconded by Ald. Russotto, to approve the proclamation as read.
Motion carried 14 yea / 0 nay / 0 absent.**

Administrator Newman shared her gratitude to the Batavia Environmental Commission for marking Arbor Day each year by putting free saplings outside of City Hall for pickup. The pickup event has already happened for 2021.

12. MAINSTREET

Executive Director Beth Walker said MainStreet is busy planning the 26th year of the Farmers Market, with 45 weekly vendors confirmed. The indoor market continues to draw a good crowd with an average of 25 vendors. Cocktails in the Park planning also is underway, as are plans for the Batavia Block Party and Batfest.

A new women's boutique, House of 423, has opened at 10 East Wilson Street. Bocadito's is moving to Newton House, and Hayley B's Bakery will open in the Bocadito's space.

Jamie Saam spoke about building two more Boardwalk Shops this spring. Batavia High School Building Trades students are working on the buildings, and volunteers are helping on weekends.

Owners of the Wilson Street Mercantile at 222 Wilson Street spoke to the Council about their positive experience with the Boardwalk Shops and how it paved the way for them to open the Mercantile. The owners of Light and Pine Collective said they have both left their full-time jobs to run the Mercantile. Their sales at the Boardwalk Shops quadrupled over the season. They said mentorship from MainStreet was crucial, as was their help locating shop space and understanding how to get their business off the ground.

Another shop owner from the Mercantile, the owner of Unboring Granola, said the Boardwalk Shops make the American Dream possible for people in the community.

Mayor Schielke thanked the shop owners for their commitment to Batavia and for showing the world how successful this idea can be. He added that Hollywood has expressed an interest in filming a movie in town, and they specifically mentioned the Boardwalk Shops and River Street.

Ms. Saam noted that of eight businesses last year, seven now have permanent locations in Batavia.

Wendy Reed and Austin Dempsey of BEI are working on the Water Street outdoor dining space. They have about 15 to 20 community members working on summer programming for the space, and they would like to erect a stage close to Wilson Street. However, there is not enough power in the area to run equipment like amplifiers. They also hope to show a film on Water Street on May 21 during the After Image Film Festival, and they shared several other possible ideas.

Administrator Newman noted that electrical service to Water Street is not a budgeted item. The Electrical Department estimates the cost to be about \$5,000 to provide the power needs for Water Street. Funds are still available from the State of Illinois Economic Development grant. No budget amendment is needed because this expense should be within budget limits.

Ald. Baerren asked if this will mean River Street businesses will make the same request. Administrator Newman noted those businesses have ample power sources already. Ald. O'Brien added that part of the original design for River Street incorporated ample power supply to accommodate needs like live music.

Ms. Saam noted that River Street has some extra electric supply, but Water Street has none. They will not be able to host any events without some electrical support.

Ald. Wolff said he supports the proposal, noting that while this was in the plan for River Street, a similar plan was never put together for Water Street. He suggested the group and staff work on a firmer proposal and bring it back to Council to consider in more detail. Ald. O'Brien agreed, saying anything bringing people downtown is a good thing. Mayor Schielke encouraged the group to bring a proposal outlining their needs to the COW.

13. RESOLUTION 21-033-R: Authorizing Execution of an Access Agreement between Fifth Third Bank, National Association, 1 N. Washington, L.L.C., and the City of Batavia, Illinois (LN 4/01/21 COW 4/13/21 7/5) GS

Ald. Chanzit explained that the developer and lender must enter into an agreement to allow the city access to the property if the developer defaults on their loan. Ald. O'Brien said this is a housekeeping issue and the last vote before building can begin on One Washington Place.

Ald. Chanzit said he was disappointed this was not unanimously approved at the COW. He said this is a safeguard for the city. Ald. Russotto agreed, say it is best for the community.

Motion by Ald. Chanzit, seconded by Ald. O'Brien, to approve the resolution as presented. Motion carried 8 yea / 7 nay / 0 absent. Mayor Schielke provided the tie-breaking yea vote.

14. RESOLUTION 21-030-R: Authorizing Execution of a Contract with Performance Construction for the 2021 Ward 1 Storm Sewer Reconstruction (TG 4/6/2021 COW 4/13/21 12/0) CS

Ald. Wolff introduced the item related to Phase 4 of the Ward 1 storm-sewer reconstruction. The project is expected to be finished in August 2021.

Ald. O'Brien said the city has been having deep discussions about electricity and clean air. He noted that the flooding issues on the east side are the result of climate change. He noted a 100-year flood is happening every year, and this becomes a quality of life issue for residents. Flooding is going to be impacting private properties, bringing a financial burden. He recommends the city pursue a stormwater utility so the city can plan for future problems and address concerns proactively.

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

15. WAIVE FORMAL BIDDING: Purchase of 2021 Avant 760i Tractor and Attachments
Ald. Wolff introduced the item to waive formal bidding for the purchase of a special tractor and attachments. The unit will replace a tractor bought in 2005. The attachments will make the tractor more flexible to be used year-round.

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

16. RESOLUTION 21-032-R: Authorization to Purchase a 2021 Avant 760i Tractor with Multiple Attachments from Alta Equipment Company for \$95,647.92 (SH 4/8/21 COW 4/13/21 12/0) CS

This item is the actual purchase of the unit, which was budgeted at \$150,000 but is coming in under \$100,000. Ald. O'Brien said purchasing through a cooperative meant they got the attachments included in the price. The tractor being replaced is at the end of its life.

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

17. RESOLUTION 21-031-R: Authorizing Execution of a Renewal Agreement with the Association for Individual Development (AID) for the Ride in Kane Program (LN 4/01/21 COW 4/13/21 12/0) GS

Ald. Chanzit introduced the item related to the Ride in Kane program, which provides curb-to-curb transportation for seniors as well as those who have a disability or are low-income. The fee is \$4 for the first 10 miles. It is administered by AID in partnership with several local agencies. The city's share of the cost is \$80,000/year. The current agreement expires at the end of July.

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

18. RESOLUTION 21-034-R: Authorizing Execution of an Intergovernmental Agreement By and Between the City of Batavia, Illinois and the County of Kane, Illinois for Utility Cost Payment and Police and Fire Services at 500 N. Randall Road, Batavia, IL (LN 4/16/21) GS Ald. Chanzit introduced the item relating to an IGA with Kane County, which is leasing the former Sam's Club for a mass vaccination site. The city is providing utilities and public safety support. The city can apply for reimbursement of these expenses, so this resolution simply memorializes the Council's support for reimbursement.

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

19. ADMINISTRATOR'S REPORT

Administrator Newman noted the city expects delivery of new Slow Down signs tomorrow for people to pick up and display in their yards.

A special COW meeting tomorrow will center on the master river plan being put together in cooperation with the Batavia Park District. The city will be launching a new website to keep the public informed and to survey residents.

Staff is reviewing the submittal for the Winding Creek project on McKee Street.

Demolition bids have been received for 916 Park Street.

Annexation work is beginning again in the northeast part of the city.

Changes are being considered for the peddler/solicitor ordinance.

Main Street work has begun and is expected to be complete in late May or early June. The next phase under consideration is from Van Nortwick to Randall Road, but would not begin until 2024 or 2025.

The annual sidewalk program is being combined with the roadway resurfacing program this year. Bidding is expected in early to mid-summer.

The city is currently receiving bids for inventory of the electric utility's power poles.

Conceptual design alternatives for the Mahoney Creek Tributary/Kirk Road stormwater basin have been developed and are currently under review by Engineering.

Ald. Callahan asked about landscape restoration on Main Street. Administrator Newman said that work started last week and should be completed by the end of May.

Ald. O'Brien said yards in Woodland Hills have sustained a lot of damage over the winter where people's cars left the roadway. He said this will be a maintenance issue for years to come. Administrator Newman said she would make a note for staff.

20. COMMITTEE REPORTS

Ald. Wolff suggested residents check the city website for dates on brush pickup. He also reminded everyone not to blow grass into streets.

Ald. Callahan said the next COW will consider a sign grant for Ziggy's Nail Spot and Windmill Grille.

21. OTHER BUSINESS

Ald. Wolff shared that the last BHS football game will be Saturday at 4 pm at NIU. It will be on BATV.

Ald. Russotto said several people are asking about a community garden at Hart Road and the Prairie Path. Administrator Newman explained that this is a grassroots project that does not involve the city. Ald. Baerren said people can rent space in the garden, and they can learn more on the Facebook group "Batavia Community Garden."

22. MAYOR'S REPORT

Mayor Schielke deferred to city attorney Roman Seckel regarding whether elected officials are required to take their oaths in person. Atty. Seckel said there is no clear answer, but from his analysis, there is no requirement that the oath be taken in person, only that the oath is on file with the City Clerk.

Mayor Schielke asked if the 25-person occupancy limit is still in force. Administrator Newman said it would be 25 unvaccinated people maximum. Mayor Schielke said they are swearing in nine people, and they may all have families with them.

Ald. Wolff suggested families could wait in the hallway, socially distanced, and come in separately as each person is sworn in.

23. ADJOURNMENT

Motion by Ald. O'Brien, seconded by Ald. Russotto, to adjourn. Motion carried by voice vote. The meeting adjourned at 8:51 p.m.

Minutes prepared and submitted by Ellen Posledni, City Clerk, April 26, 2021.