

**MINUTES**  
**July 14, 2020**  
**Committee of the Whole**  
**City of Batavia**

Please **NOTE:** These minutes are not a word-for-word transcription of the statements made at the meeting, nor intended to be a comprehensive review of all discussions. They are intended to make an official record of the actions taken by the Committee/City Council, and to include some description of discussion points as understood by the minute-taker. They may not reference some of the individual attendee's comments, nor the complete comments if referenced.

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

**1. Roll Call**

**Members Present:** Chair Wolff; Ald. Miller, Russotto, Beck, Knopp, Chanzit, Baerren, O'Brien, Callahan (on phone), Meitzler (on phone), Uher (joined the meeting by phone at 7:55pm) and McFadden (on phone)

**Members Absent:** Aldermen Malay and Cerone

**Also Present:** Mayor Schielke; Rahat Bari, City Engineer; Gary Holm, Director of Public Works (on phone); Scott Buening, Director of Community Development (on phone); Andrea Podraza, Senior Civil Engineer; Peggy Colby, Director of Finance; Drew Rackow, Planner (on phone); and Ellen Posledni, City Clerk

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

**3. Items to be Removed/Added/Changed**

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

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

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

**5. 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. **Resolution 20-088-R: Approving a Plat of Dedication for Part of the 900 Block of North Van Buren Street (SCB 6/30/20) CD**
- b. **Ordinance 20-47: Declaring Certain Property to be Surplus and Authorizing Sale Thereof (SH 7/8/20)**

**Motion:** To approve the Consent Agenda as presented

**Maker:** Chanzit

**Second:** Knopp

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

**Nay:** None

11-0 Vote, 3 Absent, Motion carried.

## **6. Presentation: Engineering Enterprises Carriage Crest Drainage Study**

Timothy Paulson and Stephen Dennison from Engineering Enterprises, Inc. presented a PowerPoint Presentation titled 'Carriage Crest Recharge Basin Dewatering Well Analysis' to the COW and meeting attendees. The presentation included the following information:

- Overview and Project Approach
- Basin Background and Survey Summary
- Soil Borings
- Stormwater Modeling
- Investigation Areas; Causes, Solutions, and Cost Estimates
  - Lift Station and Force Main to Existing Storm Sewer: Concept Cost Estimate is \$604,500
  - Lift Station and Force Main to Crestview/Western Basin: Concept Cost Estimate is \$879,000
  - Outfall Storm Sewer to Fox River: Concept Cost Estimate is \$3,130,000
    - Podraza asked if these costs include design engineering and construction engineering. The Engineering Enterprises representative responded that it does include the design engineering, construction engineering and the ten percent contingency on the cost estimates.
- Conclusions and Recommendations
  - Fox River Outfall is significantly more expensive than pumping, but more effective and reliable for the most severe storm events
  - Additional Mitigation Measures should be considered in conjunction with the pump station or separately
  - Recommendation: Comprehensive analysis of soil and groundwater conditions
  - Recommendation: Detailed assessments of cost and level of protection for permanent mitigation options vs. current mitigation option (portable/temporary pumping)
- Questions and Answers

The Committee of the Whole (COW) discussed two-year return event pumping, ten-year event, and one hundred year event models. The COW discussed the frequency of rain events, the options available, basin capacity, and the need for further information by additional soil borings. Engineering Enterprises recommended environmental assessment of the soils and the water to determine any permitting requirements. The stormwater would be kept separate from the groundwater so runoff into the Fox River should not be a concern.

\*Alderman Uher joined the meeting via phone at 7:55pm.

Chair Wolff opened the floor for public comment.

P.J. Fitzpatrick, 1075 Parkview Drive, addressed the Committee. He stated that he is representing tonight a hundred and fifty households that are tributary to the Crestview Basin. Many of which are experiencing challenges during these events. He asked for a show of hands of those who are experiencing these problems. Our purpose here today is putting names and faces to this study and not just dots on a map. As you are deliberating our ask is that we know there was money for the next phase of engineering in the budget and has been put on hold due to the pandemic. We are asking that the City reauthorize the money for the Phase 2 engineering as well as when you are deliberating on the 20-21 FY budget you fund some solutions for this problem that has been going on for twelve to fifteen years.

He shared that he moved to 1075 Parkview in 1998. He bought the place knowing that in 1996 there was flooding in the basement at that point of time but recognizing that 1996 was a pretty historic event. Then in 2008 a very unique event occurred and our sub pump ran for the first time. We have been living there for ten years and our sub pump never ran but in 2008 it ran for the first time and then our ejector pump ran. During that event, in collaboration with the Public Works staff and City Engineering staff we developed this existing pumping situation that we have been doing now for several years in terms of doing manual pumping. He and other residents in the area thought that this was a unique situation and something that would not have to be done again and the problem was solved at that point of time. Then came the spring of 2009, the spring of 2013, June of 2015, May of 2018, May of 2019 and May of 2020. All of a sudden over the past ten years this is not a unique event anymore. This has happened way too frequently. The recent event you will find the impact and footprint is starting to expand that there are homes that never experienced flooding before put on water due to this event. Something is going on and something is changing. This is not unique anymore and this idea of an infiltration basin as a best management practice in a residential subdivision is starting to become not such a great idea. The groundwater situation and infiltration issue is something you can't see. When it is groundwater, you become a slave to your sub pump because when it starts coming up you don't know when it is going to stop and when it really starts coming up that's when extraordinary measures are implemented. He has four pumps but they don't always keep up with the ground water.

Fitzpatrick continued that after the 2019 event, like some other people, he added an industrial sized pump to increase his opportunities of protection. During the event this year, including the four pumps that were running before, eventually he had to add an additional two-inch pump just to keep the water level down below three inches in the basement. He would call those extraordinary measures. Other impacts are the duration, how long it lasts. If the City had not stepped in and did manual pumping he does not know how many days or weeks it would have taken for the groundwater situation to subside. This year, with the new pump, the storm was on May 14<sup>th</sup> and on the 15<sup>th</sup> his new pump started running full on without cycling at 5am in the morning. It ran full on without stopping until May 28<sup>th</sup>.

Fitzpatrick stated that the secondary impact to this situation is homeowners insurance. At first, the premium goes up a little bit then your deductible goes up a little bit. Then your limitation to liability peaks. After a thirty-year relationship with your insurance company you are not renewed. Then you are out looking for a new insurance company to meet your mortgage requirements and they see your history. That is a difficult task. The final secondary impact is

properties that have taken on water become stigmatized. If we are to sometime sell we have to disclose that our basement has had flooding and that stigmatizes our property.

Jason Lindstrom addressed the Committee. He stated that we have a basin that fills up and overflows into a park. Stormwater by nature is contaminated and it goes into different areas and sits in the playground area. When the City has to pump to help residents with stormwater issues they have removed the plug. This past May, that plug was never in its intended location. As a resident concerned about our marsh filling up and our basin filling up we didn't have the plug in the right spot. When the plug is moved the entire intersection overflows as well as backyards and the park. Our properties are forced to hold the water and our sub pumps are pushed beyond capacity. The stress and anxiety that we live through during these circumstances are high. Sub pumps going through 4,000 cycles a day could fail at any time. There are not backup systems out there that could support what we are experiencing at a lengthy period of time. We really need help. The water has nowhere to go. It bubbles right up and goes right back down into your foundation. Lindstrom showed the Committee pictures of stormwater issues utilizing a PowerPoint presentation.

Fitzpatrick thanked the Committee for their time and City staff for their assistance. He asked that the City restore the next phases to get the final design and consider getting construction money into the 20-21 budget so we can get this built and put in place a sustainable solution.

Jeff Krueger shared that he has been a Batavia resident since 1988. He has two pumps in his main sump and it runs non-stop. One is a 4,000-gallon an hour and the other is a back up system. There is no battery back up system that could save it. It only takes ten to twenty seconds and his basement is flooded. He has been living with this for over thirty years. We seem to be getting more of these exceptional rainfalls and then things settle down. The flooding is coming more often but we are not making enough progress. You would not understand the full extent of our situation unless you live in our neighborhood. He has three backup sump pumps. His sump pump failed last year and he suffered thousands of dollars in damage.

Adam Glodman stated that he bought his house in 2019. When we bought our house it was supposed to be a dry basement. This past May we had water in the basement for the first time. We want to finish our basement. They spent \$1,400 to put in a new sump pump and May we had an issue. Since we have had that issue they spent \$1,800 to install a deeper basin and a half horsepower sump pump. In total, they have spent \$4,000 so far on what was supposed to be a dry basement. The minutes from August 2019 have the Mayor saying that this has been a known issue for years. He understands that the 3 million projected cost is a pretty big price tag for repair. He asked that the City approve what they can to keep this project moving along.

Toni Draskie shared that they have experienced five floods since moving into their home in 2002. This past incident in May caused their insurance to cancel. They have four sump pumps, a back up, two generators, and have replaced many sump pumps that burnt out. The water moving through our house causes pumping to be going on all of the time. The event in May caused their backyard to be full. She called the City and she was told they were pumping. However, she could hear the water moving under the house and was certain that her basement would flood and sure enough it did. We really need to see some major help here. We cannot sell our house like this.

We have to wait three years without a claim, three years from May 2020, to get back to normal insurance and then it is still on the record for several years. We were planning on selling the house in three years but that is out the window. We are looking at \$100,000 in damage from insurance and now we don't have insurance anymore. She asked for the City's help.

Chair Wolff stated that we have to take the next step, see what needs to be done to solve this issue, and figure out how to fund the solution. Chair Wolff stated that he would like to move as quickly as we can to solve this. He understands this issue and understands that it is getting worse every year.

Holm reported tonight represents the end of the preliminary engineering study and monies were included in the 2020 budget to move into the Phase II or the Design Engineering study. We still have more investigation to do. Holm recommended that the money that was originally going to be used for the design phase be implemented and utilized immediately for this continued investigation and after that we move to the design phase. There are funds in the 2020 budget that officially were supposed to be for design and not investigation but he recommends using those funds towards the investigation and then move forward. Those funds were put on hold but the City Council has the authority to release those funds for moving forward.

Aldermen Chanzit, O'Brien, and Meitzler indicated support to re-designate funds for the Phase II engineering of Carriage Crest Drainage Project to be used on further investigation of the basin site.

**7. Ordinance 20-44: Proposing the Establishment of Special Service Area Number 66 (Mill-McKee Retail Center) (DMR 7/9/20) CD**

\*Alderman Chanzit left the meeting at 8:35pm

Rackow overviewed the memo and discussed the schedule as submitted in the package of information distributed to the Committee members.

**Motion:** To recommend approval of Ordinance 20-44: Proposing the Establishment of Special Service Area Number 66

**Maker:** Callahan

**Second:** Meitzler

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

**Nay:**

11-0 Vote, 3 Absent, Motion carried.

\*Alderman Chanzit returned to the meeting at 8:43pm.

**8. Ordinance 20-38: Amending the Text of the Zoning Code for Cannabis Establishments in Employment Districts (DMR 7/8/20) CD**

Alderman Callahan reported that the discussion regarding the zoning for cannabis establishments in Employment Districts was returned to the Plan Commission (PC) for consideration. Rackow stated that this ordinance is to amend the Employment Districts chapter to categorize several

different uses that were implemented by the State Licensing Acts for recreational cannabis. The PC proposed that these uses, if permitted by the City, be conditional uses only in the General Industrial District. Additional standards be implemented for locational requirements that these businesses would have to follow: 500ft setback from certain uses (public and private schools, daycares, public parks, churches, cemeteries and residentially zoned/used properties), performance standards (odor regulation, noise standard for industrial to residential), prohibition over signage having cannabis paraphernalia, and applicant would provide any documentation that they would otherwise provide the State for their licensing application (security plan, ventilation plan, and disposal procedures). The proposal would also move cultivation centers, which is a currently permitted use in our General Industrial Districts, into a conditional use within our General Industrial Districts. The ordinance would also prohibit the sale and consumption of cannabis. We do have the referendum pending the sale of recreational cannabis in town. This regulation would have to be changed after the referendum if that is the action City Council would like to take. Rackow displayed a map displaying which areas would be allowed and not allowed to have cannabis establishments. The PC also required that cannabis establishments not be allowed on strategic regional arterials or arterial roads.

The Committee discussed the location restrictions, State law regarding cannabis establishments, odor regulation, and mirroring the medical marijuana text.

**Motion:** Ordinance 20-38: Amending the Text of the Zoning Code for Cannabis Establishments in Employment Districts. Approved with these amendments:

- Remove Section H.3.a-e
- Remove language in H.3. stating: "No property containing a Cannabis Business Establishment shall be located along a roadway classified as a Strategic Regional Arterial or Arterial under the Comprehensive Plan."

**Maker:** Callahan

**Second:** Knopp

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

**Nay:**

12-0 Vote, 2 Absent, Motion carried.

## 9. Approval: Reject Bids for 2020 Self-Contained Leaf Collection Trailer (SH 7/8/20) CS

**Motion:** To approve reject bids for 2020 self-contained leaf collection trailer

**Maker:** Wolff

**Second:** O'Brien

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

**Nay:**

12-0 Vote, 2 Absent, Motion carried.

**10. Resolution 20-091-R: Authorizing Purchase of One 2020 Ford F-150 Truck from Morrow Brothers Ford for \$28,670.00 (SH 7/8/20) CS**

Holm summarized the memo. This is to replace a totaled vehicle, which was up for replacement next year. He reported that this vehicle is sitting on a dealer's lot and contains two thousand dollars worth of equipment that we typically would not spec (Power windows, power locks, fog lights). We have to weigh the benefits of getting this vehicle right away, the settlement from the insurance company and receiving things that we typically would not purchase. If we didn't purchase this vehicle we would typically have to wait nine months to receive a new truck. That is why staff is recommending moving forward with this purchase at this time. Holm continued that the savings would be in next year's budget where we would not be asking for a replacement vehicle at that time.

**Motion:** To approve Resolution 20-091-R: Authorizing Purchase of One 2020 Ford F-150 Truck from Morrow Brothers Ford for \$28,670.00

**Maker:** Wolff

**Second:** Russotto

**Roll Call Vote:** **Aye:** Wolff, Baerren, O'Brien, Callahan, Meitzler, Uher, McFadden, Miller, Russotto, Beck, Knopp, Chanzit  
**Nay:**  
12-0 Vote, 2 Absent, Motion carried.

**11. Resolution 20-090-R: Resolution Approving Statements of Work between City of Batavia and Fermilab for Construction, Lease, and Maintenance of Certain Fiber Optic Infrastructure (R. Rogde 6/29/20) PU**

O'Brien summarized the memo. Holm commented that this is in support of the upcoming science in Fermilab to support their experiments.

**Motion:** To approve Resolution 20-090-R: Resolution Approving Statements of Work between City of Batavia and Fermilab for Construction, Lease, and Maintenance of Certain Fiber Optic Infrastructure

**Maker:** O'Brien

**Second:** Russotto

**Roll Call Vote:** **Aye:** O'Brien, Callahan, Meitzler, Uher, McFadden, Miller, Russotto, Beck, Knopp, Chanzit, Wolff, Baerren  
**Nay:**  
12-0 Vote, 2 Absent, Motion carried.  
CONSENT AGENDA

**12. Project Status**

Newman reported on the following:

- The Kane County Bike Share Program is expected to launch July 31, 2020
  - The Kane County rebate will be shared amongst the program participants thus giving the City \$7,000 into our General Fund.
  - Initial cost outlays: purchase of a bike rack to hold ten bikes.
  - Ribbon cutting event will be held at 10am on July 31<sup>st</sup>



There being no other business to discuss, Chair Wolff asked for a motion to adjourn the meeting at 9:36pm; Made by O'Brien; Seconded by Knopp. The motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith, Recording Secretary, on August 3, 2020.