

CITY OF BATAVIA
MINUTES OF THE BATAVIA CITY COUNCIL
May 7, 2018, 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. Uher led the Pledge of Allegiance.

3. ROLL CALL

13 of 14 aldermen were present.

Aldermen (by ward): Scott Salvati (1), Michael O'Brien (1), Alan Wolff (2), Martin Callahan (2), Dan Chanzit (3), Elliot Meitzler (3), Susan Stark (4), Anthony Malay (4), Lucy Thelin Atac (5), Mark Uher (5), Michael Russotto (6), David Brown (7) and Drew McFadden (7) were present. Nicholas Cerone (6) was absent.

Also present were BATV and members of the press, public and the following:

City Administrator	Laura Newman
City Clerk	Ellen Posledni
Fire Chief	Randy Deicke
Police Chief	Daniel Eul
City Attorney	Roman Seckel
Community Development Director	Scott Buening
Director of Public Works	Gary Holm
Finance Director	Peggy Colby
Communications Coordinator	Chris Cudworth

4. ITEMS REMOVED/ADDED/CHANGED

Motion by Ald. Chanzit, seconded by Ald. Salvati, to move switch items 13 and 19 on the agenda. Motion carried 13 yea/ 0 nay/ 1 absent.

5. REAPPOINTMENT: Robert J. Knanishu – Batavia Police Pension Board (CAS 4/27/18) GS

Mayor Schielke requested that Mr. Knanishu be reappointed to the board.

Motion by Ald. Brown, seconded by Ald. Atac, to approve the reappointment. Motion carried 13 yea/ 0 nay/ 1 absent.

6. APPOINTMENT: Paid-On-Call Recruit Maxwell Hively (Randy Deicke 5/1/18) GS
Chief Deicke introduced Recruit Hively.

Motion by Ald. Chanzit, seconded by Ald. Russotto, to approve the appointment. Motion carried 13 yea/ 0 nay/ 1 absent.

Mayor Schielke administered the oath of office.

7. CONSENT AGENDA

Ald. Atac read the consent agenda as follows:

Accept and Place on File:

- A. Committee of the Whole Minutes for March 20, March 27, April 3 and April 10, 2018
- B. Historic Preservation Commission Minutes for April 19, 2018
- C. Plan Commission Minutes for March 21, April 4 and April 18, 2018
- D. January, February and March City Council Financials (Liz Perez) GS

Approvals:

- E. April 20, 2018 Payroll is \$813,484.61 and May 4, 2018 Payroll is \$825,226.05
- F. Accounts Payable Check Register \$3,477,156.05
- G. **RESOLUTION 18-49-R:** Requesting a permit from IDOT for closure of various roadways for 2018 Triathlon (Gary Holm 4/6/18 COW 4/17/18 9/0) CS
- H. **RESOLUTION 18-50-R:** Requesting a permit from IDOT for closure of various roadways for 2018 Farmer's Market (Gary Holm 4/6/18 COW 4/17/18 9/0) CS
- I. **ORDINANCE 18-25:** Declaring Surplus Property (Scott Haines 4/10/18 COW 4/17/18 9/0) CS
- J. **APPROVAL: Reject bids #18-008 for 2018 Electric Tree Trimming Project** (Brian Bettin 4/12/18 COW 4/17/18 9/0) PU
- K. **APPROVAL: Class F Special Event Liquor License - Windmill City Fest - Batavia Park District** (DME 4/18/18) GS
- L. **ORDINANCE 18-22:** Variances for Tower Signs for Windmill Creek Shopping Center, 2030-2150 Main and 271-351 South Randall, Crash Champions, LLC/My properties, LLC, applicant (JLS 4/18/18 COW 4/24/18 11/0) CD
- M. **ORDINANCE 18-24:** Variances for a building addition at 1141 Morton Street, Spillane and Sons, applicant (DMR 4/17/18 COW 4/24/18 12/0) CD
- N. **RESOLUTION 18-53-R:** Adopting City of Batavia Debt Management Policy (Peggy Colby 4/18/18 COW 4/24/18 12/0) GS
- O. **ORDINANCE 18-27:** Vacation of old Island Avenue right-of-way (SCB 4/18/18 COW 4/24/18 12/0) CD

P. RESOLUTION 18-52-R: Approval of Employment Agreement for Jeanette Armbrust (WB 4/24/18 GS COW 4/24/18 12/0) GS

Q. ORDINANCE 18-26: Annexing Part of 908 Bernadette Lane (SCB 4/16/18 COW 5/1/18 12/0) CD

Motion by Ald. Atac, seconded by Ald. Malay, to approve the Consent Agenda as presented. Motion carried 13 yea/ 0 nay/ 1 absent.

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

None.

9. CHAMBER OF COMMERCE

President Holly Deitchman announced several upcoming events:

- May 11 at 5 p.m. with Second Fridays and the return of Bulldogs Unleashed will be a ribbon-cutting for Batavia Family Dental.
- May 16 at 11 a.m. is a ribbon-cutting for Diamond Rigging to celebration its 40th anniversary.
- May 16 at 5 p.m. is the next Networking-It event to be held at Aquaviva. The event will raise money for the Depot Museum expansion project.
- May 19 at noon is a ribbon-cutting for Michelle Weir Photography.
- May 24 at 7:30 a.m. is the next HR presentation with Valley Industrial. The topic is background checks.
- May 24 at 4 p.m. is a ribbon-cutting for Bulldog Plumbing's new location

Ms. Deitchman thanked Mayor Schielke for attending so many ribbon-cuttings lately.

Brooke and Jennifer Luetgert, and Laura Severson, from new Batavia business Code Craze addressed the Council to explain their new offerings to the community. The business offers computer coding classes for kids and adults. It also will teach robotics and hopes to compete at the national level. The company also provides website services. It is located at 1001 E. Wilson Street, Suite 140. Website is www.codecraze.com, phone number is 630.828.556, and email is jennifer@codecraze.com.

Mayor Schielke noted that this was one of the more innovative business ideas to come to Batavia in some time. He added that the business is located on the original settlement of Christopher Payne, Kane County's first resident, meaning that this cutting-edge business is operating on the oldest site in Kane County.

10. PRESENTATION: Tri City Health Partnership Medical and Dental Clinic

The presenter was unable to attend tonight's meeting, so the presentation will be rescheduled.

11. PRESENTATION: Tri-City Family Services

Laura Poss, executive director of Tri-City Family Services, and board president Cheryl Johnson described the community mental health agency and offered statistics about its services. Services are provided on a sliding scale to meet the needs of everyone, regardless of ability to pay. Ms. Poss noted that she has requested that Mayor Schielke proclaim May as Mental Health Awareness Month. The theme color is green, so green ribbons and signage have been placed

around the tri-cities. The agency is fighting the stigma around mental health care and attempting to educate the public that mental health care is as important as other types of health care.

Mayor Schielke said it was an honor to be at the agency's 50th anniversary celebration and that the organization's success is obvious. He noted its effect on many Batavia families and applauded its life-saving work. He said we would be a lesser region with the agency and we are proud of its work in the community.

12. PROCLAMATION: Tri-City Family Services May 2018 Mental Health Month – Mayor Schielke

Ald. Atac read the proclamation declaring May 2018 as Mental Health Month.

**Motion by Ald. Atac, seconded by Ald. Meitzler, to approve the proclamation as read.
Motion carried 13 yea/ 0 nay/ 1 absent.**

13. RESOLUTION 18-58-R: Approving The Location Of The Flag Day Memorial On City-Owned Property (LMN 4/27/18 COW 5/1/18 12/0) GS

Through the previous action of the City Council in agenda item 4, item 19 was moved to item 13.

Batavia Enterprises CEO Austin Dempsey was present with Flag Day Memorial architect Steve Vasilion to discuss the final location of the memorial in honor of Dr. Bernard Sigand, former Batavia resident and founder of Flag Day. By finalizing the site, the committee will now be able to begin finalizing the design with other community volunteers and finalizing a budget. He noted the site close to the entrance to the Police Department was appropriate.

Ald. Callahan shared that he was excited to reach this point after two years of work on conceptualizing the memorial. Ald. Brown said he was very supportive of the project, but shared his concerns about the chosen location. He noted that expansion of parking has been discussed in the past, and this would make that impossible. He also said that electrical services were just installed in the area to accommodate events on the Riverwalk. He was also worried that school buses would have a difficult time navigating the area to bring schoolchildren to visit. He wondered if too much was being squeezed into a small area and admitted he wasn't sure where the right area would be. He suggested considering placing it across the bridge at the site of the future Larson-Becker Park.

Mr. Dempsey noted that all of these concerns were considered during the siting process. He was confident that if fire trucks can navigate the space that school buses would not have any issues. There was a strong desire to erect the memorial in a location where it could take center stage and honor the historic events that have happened in the city hall building. The Batavia Park District director said that area is dead space for programming since Art in Your Eye was discontinued. Mr. Dempsey is confident this will be a complement to the current campus and conducive for school programming.

Ald. Stark asked if the memorial would be illuminated 24/7 and what kind of lighting would be used. There will be five pillars around the perimeter, each softly illuminated at the base, and each

with an LED light at the top to illuminate the flag in the center. Light pollution should not be an issue.

Ald. Wolff said that if the memorial isn't in the heart of downtown, it may be lost and forgotten. He said he feels it will be a good complement to the Riverwalk and the scale is a perfect fit for the spot.

The memorial was described as being 40 feet on the inside with 14-inch walls and a 10-foot walkway around the perimeter, giving it a full circumference of roughly 62 feet. The monument would fill about half of the green space on the site.

Ald. Callahan added that the memorial is being funded entirely with private donations. He understands the concern about the site, but said that trying to figure out how to accommodate visitors is a great problem to have.

Mayor Schielke recalled that in 1973 when he was a newspaper reporter, the current City Hall building was offered for sale by a company called Dunbar Kapple, and Peg Bond and Phil Elfstrom urged then-Mayor Bob Brown, Ald. Brown's father, to quickly move to purchase the property. Mayor Brown had agreed that it would be a positive development for the city, but Larry Dempsey, Mr. Dempsey's grandfather, purchased the property first. He later sold the parcel to the city, although many residents strongly opposed the purchase. Mayor Schielke said that history proved those people wrong, as the property has become the heart of Batavia. He noted the irony that tonight, second and third generations of Batavians — Ald. Brown and Mr. Dempsey — were faced with another decision that would shape the property.

The Mayor also explained that the memorial would honor Dr. Sigrand, founder of Flag Day. Dr. Sigrand was a schoolteacher at the age of 18. He learned that June 14 was the day that Betsy Ross finished sewing the first American flag, and he hatched the idea for Flag Day. Eventually Dr. Sigrand moved to Batavia and became a dentist, and he lived on Rt. 31. His niece was tragically murdered in Chicago, and the story of the murder will be the subject of an upcoming moving, "Devil at the White City." Dr. Sigrand got very involved in the investigation of the murder, which was a great personal tragedy to him, but he continued to promote the idea of Flag Day.

In 1916 before World War I, President Wilson was looking for some symbolic gesture to promote patriotism in the country. He learned about the Flag Day idea and declared the first Flag Day in the U.S. So, Mayor Schielke explained, Flag Day is not new, and in some ways this memorial has been in the making for 100 years. He added that the City Hall building was built by Van Nortwick, who had previously built canals in New York and was referred to in the movie "Seven Years a Slave." Van Nortwick's great-grandson was a Monuments Man in World War II. In the late 1960s, when the U.S. government was trying to send the first man to the moon, one of the components that made it possible was made by none other than Dunbar Kapple, in what is now the City Hall building.

Mayor Schielke said that with all of this Batavia history, the monument should rightfully be sited next to City Hall for future generations to appreciate.

**Motion by Ald. Brown, seconded by Ald. Callahan, to approve the resolution as presented.
Motion carried 13 yea/ 0 nay/ 1 absent.**

14. RESOLUTION 18-51-R: Budget Amendment For Household Hazardous Waste Program (Scott Haines 4/10/18 COW 4/17/18 9/1) CS

Ald. Wolff introduced the item. He noted that the funds were not in the original budget, but would be available with funds from the city's current solid waste provider. The funds are available in an account, but the budget amendment is required in order to use them.

**Motion by Ald. Wolff, seconded by Ald. Salvati, to approve the resolution as presented.
Motion carried 11 yea/ 2 nay/ 1 absent.**

15. ORDINANCE 18-23: Amendments To The Text Of The Zoning Code, City Of Batavia, Applicant (JLS 4/18/18 COW 4/24/18 10/2) CD

Ald. Stark introduced the ordinance relating to consistency of language between the zoning code and the Comprehensive Plan and threshold requirements for amenities for multi-family developments, as discussed at a previous Committee of the Whole meeting. The amendments do not affect wireless communication facilities.

Ald. Atac asked Director Buening how existing wireless devices would be affected by newly legislated 5G service. Director Buening explained that the new regulations are still being digested. A fee schedule and standards need to be set, and some things the city won't be able to regulate because of state law. He anticipates existing towers will still act as the backbone of the network, and new towers would be filling in service gaps and expanding capacity. Ald. Atac asked if standard wireless towers existed downtown, would that decrease the demand for 5G cell towers. Director Buening said it might, but that new towers may still be needed to fill in gaps. Ald. Atac asked if the electromagnetic fields would be the same for 5G towers as they are for standard towers. Director Buening said probably, as far as he knows, but that is subject to FCC regulations.

In light of this, Ald. Atac said she would not be able to support the ordinance if it eliminates some of the wireless communication facilities. Director Buening said staff could take another look at the proposed affected facilities and could also consider the effect of EMFs both from large and small antennas. However, the city likely could not regulate the RF radiation from any antenna.

Mayor Schielke mentioned that autonomous cars will require a great expansion of radio communications equivalent to a cell phone system to run the cars. It could be 15 or more years away because areas will need to build a lot of radio transmission ability. One idea was to use church steeples, which would bring in revenue for the churches. He also added that people think they are going to save money on gas, but they will end up needing to pay for all of these communications, and the state will likely want to tax them as well to make up for lost gas tax revenue.

Ald. Stark asked that if density of residents affects cell signals, and One Washington Place does not have a cell tower, will residents have trouble with signals. Director Buening noted that often such buildings will install a system that amplifies cell signals. He added that when cell towers were first people, every company built their own network. It wasn't until later that they started cooperating and sharing towers. With the new state law, companies will be back to building their own networks. Also, other internet-connected items in households and businesses may have their own network – such as refrigerators and TVs.

Ald. O'Brien said the original discussion was based around safety concerns and the health of residents. He noted that the way technology is exploding, we may not even have cell towers in 15 years. He said he wouldn't get too concerned about cell towers and just focus on the health of residents. He reiterated that this ordinance did not include cell towers.

**Motion by Ald. Stark, seconded by Ald. Chanzit, to approve the ordinance as presented.
Motion carried 12 yea/ 1 nay/ 1 absent.**

16. RESOLUTION 18-56-R: Authorizing Pennsylvania Transformer Technology To Furnish And Install Transformer At Northeast Distribution Substation For An Amount Not To Exceed \$487,022.00 Plus 5% Contingency Amount (RB 4/27/18 COW 5/1/18 12/0) PU

Ald. Chanzit introduced the item involving upgrades at the Paramount substation. The item passed the COW unanimously and the proposal is \$200,000 under budget. Ald. Chanzit noted that many projects are coming in under budget because they have been bid out for multiple years.

**Motion by Ald. Chanzit, seconded by Ald. O'Brien, to approve the resolution as presented.
Motion carried 12 yea/ 0 nay/ 2 absent. [Ald. McFadden was not present for this vote.]**

17. RESOLUTION 18-57-R: Authorizing Siemens Industry To Design, Manufacture, Furnish And Delivery Of 2 (Two) 34.5kV Power Circuit Breakers For Northeast Distribution Substation For An Amount Not To Exceed \$58,722.00 Plus 5% Contingency Amount (RB 4/27/18 COW 5/1/18 12/0) PU

Ald. Chanzit explained that this item goes with item 16.

**Motion by Ald. Chanzit, seconded by Ald. O'Brien, to approve the resolution as presented.
Motion carried 13 yea/ 0 nay/ 1 absent.**

18. RESOLUTION 18-62-R: Approving The Purchase Of Three Windmills From Francine Popeck For \$11,375 (LMN 4/27/18 COW 5/1/18 12/0) GS

Ald. Atac introduced the item relating to the purchase of windmills with historic value for Batavia. Mr. Popek was instrumental in acquiring many of Batavia's windmills.

**Motion by Ald. Atac, seconded by Ald. Meitzler, to approve the resolution as presented.
Motion carried 13 yea/ 0 nay/ 1 absent.**

19. APPROVAL: Department Head Reappointments (JDS 5/1/18)

This item was originally item 13 on the agenda.

Motion by Ald. Atac, seconded by Ald. Chanzit, to approve the reappointments that were submitted. Motion carried 13 yea/ 0 nay/ 1 absent.

20. ADMINISTRATOR'S REPORT

Administrator Newman noted that on May 14 at the Eastside Fire Department, city staff and City Council members would hold a special meeting to discuss the Strategic Plan. Following that meeting, issues will be brought to the Committee of the Whole for public comment. The meeting will include the vision, mission, values and SWOT analysis.

A permit for the former Fazoli's building on Randall Road has been received from a restaurant called Crab Boil.

Staff has submitted a grant application to Kane County for a community development block grant for roadway improvements on North River Street and intersecting roads. A resolution to approve the application will be on the May 15 COW agenda and will come before the City Council on May 21.

Closing on the Wilson-Spuhler property is expected to be May 31.

Interior build-out continues for Focus Logistics at 1250 Douglas Ave.

Wal-Mart Realty has confirmed it will sell the former Sam's Club property in a group portfolio that will go public on May 20 in Las Vegas.

The city's sidewalk project continues. Residents can check on sidewalk repairs and any other city projects through the city's website, which features a city map showing all construction projects around town.

The solid waste removal contract is now out for bid.

Staff met with the Batavia Park District and Buzz Miller to consider a site for the sculpture Mr. Miller is donating to the city. A city was chosen near the Depot Pond on Park District property.

Ald. Brown asked for an update on the window replacement and tuckpointing project on the City Hall building. Administrator Newman said it would begin June 1.

Director Holm left the meeting early to activate the lighting at the dam recently installed by the city's Electrical Department.

21. COMMITTEE REPORTS

Ald. Brown said a special COW meeting will be held May 14 at 7:00 p.m., and the regular COW would be May 15 at 7:00 p.m. and will include discussion of One North Washington Place.

Ald. Wolff said the next COW would consider an intergovernmental agreement with the Batavia Park District for dam signage and lighting. Brush collection begins on the East Side next week and the West Side the week after.

Ald. O'Brien said the next COW would include an update on the wastewater treatment plant project and electric utility deregulation.

22. OTHER BUSINESS

Ald. Chanzit shared his appreciation to Mayor Schielke and Administrator Newman for their support in allowing a local organization to be on the agenda at the next City Council meeting to discuss suicide prevention and at-risk youth.

23. MAYOR'S REPORT

Mayor Schielke said he is pleased the City and Council are revisiting the Strategic Plan.

Residents appreciate the ongoing sidewalk replacement program. The City used to have a program in which each ward had designated funds to add stretches of missing sidewalk. The Council should also consider creating a list of possible projects to be considered by future Council members, such as a sidewalk around the sewer plant and a bike path along the Larson-Becker property.

The Mayor delivered a eulogy last Friday for Rich James and shared a story about Mr. James being an early supporter of the Fox River bike trail. Phil Elfstrom was instrumental in having the trail route around the sewer plant, which has allowed thousands of people to get through that stretch of town.

People in wheelchairs and walkers are encountering more challenges getting around town because people are parking in such a way as to block sidewalks. The Mayor said the City should be as accessible as possible, and this is a growing problem, with people now starting to park on parkways, too.

Mayor Schielke thanked the Council for the conversation at the last COW meeting.

A tremendous amount of money was spent in the recent primary election for Illinois governor, approximately \$250 million. An equal amount may be spent on the general election. Mayor Schielke commented that the candidates could better use that money to fund 500 worthy projects in small towns across the state.

Ald. O'Brien said he hopes everyone is sending letters to their state legislators regarding LGDF.

Ald. Atac noted that she spoke with Buzz Miller, husband of the late alderwoman Linnea Miller, and he mentioned that two of her concerns in the City when she was an alderwoman were light pollution and sidewalks, two topics addressed at tonight's meeting.

Mayor Schielke said he is proud of the City Council and believes the city is on the right track. He has talked to Finance Director Peggy Colby about sharing tax bills from neighboring towns to see how they are taxing residents. Batavia always compares favorably.

24. ADJOURNMENT

Motion to adjourn by Ald. Brown, seconded by Ald. Salvati. Motion carried by voice vote.
The City Council meeting adjourned at 9:04 p.m.

Minutes prepared and submitted by Ellen Posledni, City Clerk, May 15, 2018.