

CITY OF BATAVIA
MINUTES OF THE BATAVIA CITY COUNCIL
July 16, 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. Callahan led the Pledge of Allegiance.

3. ROLL CALL

9 of 14 aldermen were present.

Aldermen (by ward): Scott Salvati (1), Alan Wolff (2), Martin Callahan (2), Dan Chanzit (3), Elliot Meitzler (3), Susan Stark (4), Mark Uher (5), David Brown (7) and Drew McFadden (7) were present. Michael O'Brien (1), Anthony Malay (4), Lucy Thelin Atac (5), Michael Russotto (6) and Nicholas Cerone (6) were 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	Dan Eul
City Attorney	Roman Seckel
Community Development Director	Scott Buening
Finance Director	Peggy Colby
Public Works Director	Gary Holm
Building Commissioner	Jeff Albertson

4. ITEMS REMOVED/ADDED/CHANGED

None.

5. CONSENT AGENDA

Ald. McFadden read the Consent Agenda as follows:

Accept and Place on File:

- A. Historic Preservation Commission Minutes for June 11, 2018
- B. Committee of the Whole Minutes for June 5, June 11, June 12, June 25 and June 26, 2018
- C. June 2018 Building Report

Approvals:

- D. July 13th, 2018 Payroll \$870,286.10
- E. Accounts Payable Check Register \$2,249,832.72
- F. City Council Minutes for June 18 and July 2, 2018
- G. **APPROVAL:** Class F Liquor License for the “Batavia Community Dinner Table” hosted by Batavia Main Street on August 5, 2018 at 1 N. River Street (DME 7/5/18) CS
- H. **APPROVAL:** Class G Special Use Permit Liquor License for El Taco Grande for the “Music Matters Summer Festival” hosted by Music Matters on August 11, 2018 at 151 N. Island Ave. Peg Bond Center (DME 7/10/18) CS
- I. **APPROVAL:** Class G Special Use Permit Liquor License for Pal Joey’s for the “Music Matters Summer Festival” hosted by Music Matters on August 11, 2018 at 151 N. Island Ave. Peg Bond Center (DME 7/10/18) CS
- J. **APPROVAL:** Class G Special Use Permit Liquor License for Gaetano’s Restaurant for the “Music Matters Summer Festival” hosted by Music Matters on August 11, 2018 at 151 N. Island Ave. Peg Bond Center (DME 7/10/18) CS
- K. **RESOLUTION 18-83-R:** Approval of Plumbing Inspector Contract (SCB 6/28/18 COW 7/10/18 13/0) CD
- L. **RESOLUTION 18-77-R:** Approving Grant of Easement with Mark and Kristine Joanis for drainage purposes for the improvements to the property located at 678 N Batavia Avenue (TG 7/03/18 COW 7/10/18 12/0) CS
- M. **RESOLUTION 18-85-R:** Authorizing Execution of Task Order #19 for Construction Engineering Services with WBK Engineering, LLC in the amount not to exceed \$31,164.00 (CB 7/03/18 COW 7/10/18 12/0) CS
- N. **RESOLUTION 18-86-R:** Authorizing Extension of an Employment Agreement with John Dillon (Gary Holm 7/02/18 COW 7/10/18 12/0) GS
- O. **RESOLUTION 18-87-R:** Authorization for Purchase Microsoft Licenses (HC 7/03/18 COW 7/10/18 12/0) GS
- P. **RESOLUTION 18-88-R:** Approval of MSA and SOW with LiftOff (HC 7/03/18 COW 7/10/18 12/0) GS
- Q. **RESOLUTION 18-90-R:** Waive Bidding for Storage Area Network (HC 7/03/18 COW 7/10/18 12/0) GS
- R. **RESOLUTION 18-91-R:** Authorization to Purchase HPE Nimble Storage Units from Insight (HC 7/03/18 COW 7/10/18 12/0) GS

Ald. Wolff noted that bid waivers were not allowed on the Consent Agenda. Atty. Seckel concurred.

Motion by Ald. Wolff to move Consent Agenda items Q and R out of the Consent Agenda. Seconded by Ald. Salvati. Motion carried 9 yea/ 0 nay/ 5 absent.

Motion by Ald. McFadden, seconded by Ald. Stark, to approve the amended Consent Agenda. Motion carried 9 yea/ 0 nay/ 5 absent.

Ald. McFadden presented Resolution 18-90-R, which was removed from the Consent Agenda.

**Motion by Ald. McFadden, seconded by Ald. Uher, to approve the resolution as presented.
Motion carried 9 yea/ 0 nay/ 5 absent.**

Ald. McFadden presented Resolution 18-91-R, which was removed from the Consent Agenda.

**Motion by Ald. McFadden, seconded by Ald. Uher, to approve the resolution as presented.
Motion carried 9 yea/ 0 nay/ 5 absent.**

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

Britta McKenna, Steve McKenna and Joanne Spitz were in attendance to support the Bulldogs Unleashed program. Ms. McKenna offered an update on the program, and Mayor Schielke thanked her and her husband Steve for the time and dedication they have put in to the program. The mayor noted that Bulldogs Unleashed has brought many visitors to Batavia, including Ken Anderson, a former Super Bowl quarterback and Batavia native, who was spotted checking out the bulldogs recently.

Steve McKenna, who represents the Batavia Parks Foundation, invited everyone to enjoy the bulldogs and invite friends to Batavia to visit them as well. The program raises funds for the Batavia Foundation for Educational Excellence, the Batavia Parks Foundation and the Batavia Public Library Foundation. Mr. McKenna asked everyone to take care of the bulldogs and not to sit on them, as some have sustained some damage this summer. Half of the bulldogs are already sold, and half of them will be auctioned September 15 during a live event. Mr. McKenna thanked the many sponsors of the program as well as the City of Batavia for providing the maps and sites to host the bulldogs on display.

Tickets for the September 15 auction can be purchased online at bulldogsunleashed.org. Ms. McKenna noted that raffle tickets are also being sold for two bulldogs. Residents interested in winning a bulldog may choose to complete the Batavia MainStreet passport, encouraging visitors to stop in at several local businesses to get their passport stamped. Completed passports can be turned in for a chance to win a bulldog.

Additionally, note cards have been created depicting the bulldogs, and are now on sale. A pack of 30 note cards is available for \$25; a set of 10 depicting the smaller bulldogs is \$10; a set of five note cards depicting the Liberty Dog is available for \$5. Cards can be purchased at the Chamber of Commerce office.

Puppies were displayed during the Windmill City Festival last weekend, and 300 visitors voted for their favorite puppy.

Bulldogs Unleashed is active on social media sites Facebook, Instagram and Twitter.

The last Bulldog auction raised \$75,000.

Mayor Schielke noted that the program has brought a lot of energy into the downtown, and it benefits three all-volunteer organizations that make a big difference in the lives of Batavians.

7. CHAMBER

The Batavia Chamber of Commerce traded meetings with Batavia MainStreet, so on hand to provide an update on Batavia MainStreet was assistant director Cathy McNally. She noted there has been a lot of activity downtown this summer. Batavia's Farmers' Market is one of the longest-running markets, and it is a producers-only market, which means vendors must grow it or make it themselves in order to sell it. This makes the market very special. Additionally, all vendors are hyper-local. With the exception of one longstanding vendor that sells fruit from Michigan, all other vendors travel less than 10 miles to Batavia. The market attracts the best producers in the area.

Cocktails in the Park will be held Saturday. This annual fundraiser along the Fox River features food, drink and live music. Tickets are \$30, which include souvenir whiskey glasses. Also available are \$50 raffle tickets for a 1/200 chance of winning \$2,500. Winners do not have to be present. Special thanks to Boyce Body Works and Gerald Subaru of North Aurora for their sponsorship.

Mayor Schielke noted that the city is working with the company replacing the windows at City Hall so that the east side of the building will be done, and the area cleaned up and open for the event.

The mayor asked for an update on the Community Dinner Table event. Ms McNally noted that the dinner will be held on the first Sunday in August, and that the 200 tickets sold out in six hours. She added that people interested in attending could volunteer to help serve during the dinner. The mayor said he has heard from several people who wanted to attend and were disappointed that tickets sold out so quickly. Ms. McNally noted that the number of tickets has increased every year. She added that the Fox Valley Patriotic Organization, which is raising money for the Flag Day Memorial, may hold a similar event as a fundraiser. The mayor said a couple from Arlington Heights even called to request tickets because they are considering doing something similar in their community.

Ms. McNally noted that all food for the dinner is sourced from vendors at the Farmers' Market and the dinner is scheduled during Farmers' Market Week.

Ald. Salvati said that Cocktails in the Park is his favorite Batavia event. Ms. McNally said it is a magical night, and although it is the most labor-intensive event Batavia MainStreet holds, it is always fun.

8. RESOLUTION 18-84-R: Authorizing Execution of a Contract for the 2018 College and Wilson St. Storm Sewer Improvements With Copenhaver Construction, Inc. in the amount not to exceed \$554,567.32 (CB 7/03/18 COW 7/10/18 12/0) CS

Ald. Wolff introduced the item related to storm-sewer improvements. He noted that this was the lowest bid, and it was under the city's cost estimate.

**Motion by Ald. Wolff, seconded by Ald. Salvati, to approve the resolution as presented.
Motion carried 9 yea/ 0 nay/ 5 absent.**

9. RESOLUTION 18-80-R: Authorizing Execution of a contract with SKC Construction, Inc. for the 2018 Crack filling Program in the amount not-to-exceed \$120,997.25 (TG 7/03/18 COW 7/10/18 12/0) CS

Ald. Wolff introduced the item related to crack-filling on city streets, which will maintain and maximize the life of street surfaces. The city budgeted \$140,000 for this work, so the contract is under budget.

**Motion by Ald. Wolff, seconded by Ald. Stark, to approve the resolution as presented.
Motion carried 9 yea/ 0 nay/ 5 absent.**

10. ORDINANCE 18-51: An Ordinance Amending Title 7 (Public Ways And Property) of the Batavia Municipal Code to add a New Chapter 6 (Small Wireless Facilities) Relative to the Permitting, Regulation and Deployment of Small Wireless Facilities (RB 7/06/2018 COW 7/10/18 12/0) GS

Ald. McFadden introduced the item relating to regulations around small wireless facilities. State of Illinois legislation recently passed that requires city code to come into compliance with the new law by August 1. He said passage of this ordinance would allow the city to maintain whatever small bit of control the state allows the city to maintain over this issue.

Ald. Uher asked if there had been any changes to the original ordinance presented for consideration. Director Holm said a few changes were made after consultation with the city attorney. Ald. Uher clarified that the only control Batavia has in the situation is over how the facilities look, and asked if details regarding appearance could be changed later. Director Buening said his department is currently looking at proposing design standards, especially in relation to the historic district. His department is also working on small cell permit application requirements.

Ald. Meitzler said he was struggling with this vote due to the discussion at the previous Committee of the Whole meeting on the subject. He said this whole situation requires usage of the city's infrastructure while cutting the funding to help municipalities with their infrastructure.

Ald. Callahan said that because he was not at the previous COW meeting and has not had ample time to review all of the information, he would be voting Present.

Ald. Wolff said he agreed with Ald. Meitzler that the state is taking away the city's ability to provide oversight on installation of these facilities but the state doesn't want to provide any funding to use the infrastructure. After much thought over the past week, he will not support the ordinance.

Ald. Chanzit said the item needs to be passed tonight. Director Buening said if the Council fails to pass the ordinance, they will be forced to adopt the standards in the state statute, so it is best to pass this tonight. Ald. Chanzit summed up by saying that at least this ordinance is slightly better than the state's, and Director Buening agreed.

Ald. Stark said these facilities are the future, and this ordinance is the lesser of two evils. At least it will allow the city to maintain some control.

Mayor Schielke said at a recent gathering of mayors at the Metropolitan Mayors Caucus Executive Board, no one had anything good to say about this situation. He said it speaks to how broken things are at the state level. He said too many issues are being decided based on people making money. This restricts the city's ability to gain at all financially. He suggested that this subject is something to speak with local representatives and senators about during the election season. He said the state operates the opposite of how the city tries to operate. He agrees with everything that has been said, and would only vote for it begrudgingly.

Motion by Ald. McFadden, seconded by Ald. Stark, to approve the ordinance as presented. Motion carried 8 yea/ 2 nay/ 5 absent. Six aldermen voted yea; Ald. Callahan's vote of "present" counted with the majority; Mayor Schielke cast the final vote in the affirmative.

11. ORDINANCE 18-52: Declaring Surplus Property and Donate to CHIP IN (HC 7/03/18 COW 7/11/18 12/0) GS

Ald. McFadden introduced the ordinance that would allow the Batavia Fire Department to donate six aging iPads to Batavia Chip In. The iPads are no longer supported by Apple and have been replaced.

Motion by Ald. McFadden, seconded by Ald. Stark, to approve the ordinance as presented. Motion carried 9 yea/ 0 nay/ 5 absent.

12. ADMINISTRATOR'S REPORT

Administrator Newman said the city's intern updated the aldermen's plaque that lists every alderman who has ever served the city since its 1893 incorporation. She noted that there are so few names that the plaque still has not been filled, which speaks to the aldermen's long-standing service.

She congratulated everyone involved in the successful Windmill City Festival last weekend. Despite the heat and threats of storms, turnout was high. She particularly thanked those from Public Works and the Police Department who were on hand throughout the weekend in uniform despite the heat. The Class of 1978 was also in attendance.

The Popek windmills have been moved to Public Works. Communications Director Chris Cudworth will be sharing information regarding a windmill tour app that is in development.

A pre-construction meeting on the dam signage and lighting has been held.

On One Washington Place, meetings have been held with the developer, environmental consultant and staff regarding soil remediation.

Ald. Wolff asked Administrator Newman to meet with the city's attorney to discuss potential ramifications of the Home Rule petition now being circulated in Batavia. He noted that it is important to get information to the public about how Home Rule repeal would affect the city.

13. COMMITTEE REPORTS

Ald. Brown said the next COW is scheduled for tomorrow night at 7 p.m. The next Plan Commission meeting will be July 18 and will include public hearings on the Eastside Community Center parking lot and playground expansion and on Windmill Landings, a new development planned for Hawks Drive behind Walmart. Historic Preservation will meet at 5:30 p.m. on July 23. There is no agenda for the July 24 COW meeting.

Ald. McFadden said an intergovernmental agreement between the city and Batavia Public Library would be on the agenda at tomorrow night's COW.

There were no other committee reports.

14. OTHER BUSINESS

None.

15. MAYOR'S REPORT

Several class reunions were held last weekend as well as a Batavia basketball gathering. Mayor Schielke reported having many conversations with people who had not been in Batavia for as many as 50 years, and they were very complimentary of the downtown area, River Street and the arch there. He noted that River Street has become a special place in Batavia, hosting thousands of visitors to the Farmers' Market, which has grown almost to State Street. Cocktails in the Park, the Community Dinner Table, Labor Day activities and Oktoberfest also benefit from the improvements to River Street. Mayor Schielke noted that the City Council was questioned and criticized extensively when improvements were approved for River Street, but that great things are now happening there. He says the arch says it is someplace special.

He added that the city also got grief for purchasing the Larson-Becker property on River Street, but the purchase would allow the city do more great things in the future. He says these decisions are making downtown the heart of Batavia, and people young and old are starting to understand what a treasure our downtown is. He said that while we despair over what's happening in state government, we should feel good about what is happening locally. He added that a woman came in to his office last week and wanted to know how she could get on the list to move into Riverrain, as she wanted to be part of the Batavia community. The establishment of Riverrain was also controversial many years ago, the mayor said.

16. EXECUTIVE SESSION: Setting the Price of Land for Sale (SB)

Motion to adjourn to Executive Session by Ald. Brown, seconded by Ald. Salvati. Motion carried 9 yea/ 0 nay/ 5 absent. The Council entered Executive Session at 8:35 p.m.

17. ADJOURNMENT

The council returned to Regular Session at 8:44 p.m.

Motion to adjourn by Ald. Brown, seconded by Ald. Salvati. Motion carried by voice vote.
The City Council meeting adjourned at 8:44 p.m.

Minutes prepared and submitted by Ellen Posledni, City Clerk, July 22, 2018.