

CITY OF BATAVIA
MINUTES OF THE BATAVIA CITY COUNCIL
March 4, 2019, 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. Chanzit led the Pledge of Allegiance.

3. ROLL CALL

14 of 14 aldermen were present.

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

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

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

4. REMINDER: Please speak into the microphone for BATV recording

Mayor Schielke reminded all in attendance to use the microphones.

5. ITEMS REMOVED/ADDED/CHANGED

None.

6. CONSENT AGENDA

Ald. Atac read the Consent Agenda as follows:

Accept and Place on File:

- A. Historic Preservation Commission Minutes for January 14, 2019
- B. Plan Commission Minutes for December 12, 2018
- C. Committee of the Whole Minutes for January 29, 2019 and February 12, 2019

Approvals:

- D. February 22, 2019 Payroll \$872,152.67
- E. Accounts Payable Check Register \$2,025,351.08
- F. City Council Minutes for February 18, 2019
- G. **RESOLUTION 19-025-R: Authorizing Execution of an Intergovernmental Agreement with Batavia Township and Countryside Fire Protection District (RD 2/13/19 COW 2/19/19 12/0) CS**

**Motion by Ald. Atac, seconded by Ald. Stark, 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. APPOINTMENT: Reappoint Laura Newman to the Fire Pension Board (CL 2/19/19)

The Mayor asked for a motion to approve the appointment.

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

9. CHAMBER OF COMMERCE

Chamber President and CEO Holly Deitchman shared the many upcoming events on the Chamber calendar, including multiple ribbon-cutting ceremonies and networking opportunities. Restaurant Madness will be March 17-22, with more than 20 restaurants participating.

Chamber member Barb Mallers, the store manager for Fannie May Candies in Batavia, gave some background about the company and the store. It is one of 70 in the Midwest, and the company can enhance events such as weddings, birthday parties, anniversaries and showers. It can also cater to businesses looking to provide gifts for special clients. The store offers a free chocolate tasting every day. It can be reached at 630.879.3539, and it is located at 2012 W. Wilson Street, on the corner of Wilson and Randall in front of Jewel. It is open Monday through Friday, 10 am to 8 pm; Saturday, 10 am to 6 pm; and Sunday, 11 am to 5 pm. Hours are typically extended through the holiday season, usually 9 am to 9 pm. The store has been in Batavia for 15 years. Ms. Mallers said it is a fun place to work, and the staff is dedicated to excellent customer service.

Mayor Schielke asked what the next closest store was. Ms. Mallers noted there are stores in Naperville, Oswego and Elgin. Mayor Schielke responded that there is not another Fannie May store for 15 miles, and Batavia is the tri-cities' home for Fannie May.

10. PRESENTATION: Severe Weather Preparedness Week (Mark Davis)

Mr. Davis, ESDA director, noted that 23 lives were lost in Lee County, Alabama yesterday due to a tornado, and ESDA takes severe weather very seriously. While there will not be an annual tornado drill this year, monthly testing of the severe weather sirens will continue. The ESDA Facebook page is an excellent source of information, so he encouraged everyone to Like the page. It currently has 990 Likes.

Ald. Brown asked Mr. Davis to explain when the sirens are sounded. Mr. Davis said the sirens are sounded in 7-minute intervals if there is a tornado spotted or if there is golf-ball-sized hail. He said ESDA does not do an “all-clear” siren. ESDA now operates the Mooseheart siren as well.

Mayor Schielke noted that Batavia ESDA has provided excellent public service under Mr. Davis. He said it was Mr. Davis who recommended last year that the July 4th fireworks show be cancelled when severe weather was imminent, which turned out to be the right call when a major storm swept through the area shortly after the show was cancelled. He thanked Mr. Davis and ESDA for the excellent service they provide to the citizens of Batavia.

11. PRESENTATION: BHS Football Academic All-State Team (Matt Holm)

Mayor Schielke began by noting that many visiting mayors have commented on the city’s water tower with the BHS Bulldog on it, and he added that Batavia gets a lot of attention because of its great football teams and the string of great coaches they have had.

Mr. Holm said he spends a lot of time talking to Coach Piron during the season about how to keep the caliber of the program so high. One thing that is tremendous about the football teams is their community spirit and support. Mr. Holm attended an event in St. Louis recently and spoke with coaches from other states; he came away confident that Batavia has a special community and a special program.

Mr. Holm announced several honors recently bestowed upon several BHS football players:

- National Football Foundation Chicago Bears Community Award winner: Evan Holden
- 7 Illinois High School Coaches’ Assn. Academic All-State Winners: Luke Weertz, Michael Jansey, Evan Holden, Sam Barris, Jack Meyers, Zach Weber and Alex Richards
- 10 members of National Honor Society
- 49 All-Conference Academic football players
- 34 varsity and 57 total BHS Honor Roll students
- Team GPA 3.36
- 11 All-Conference football players first team, 8 special mention
- Michael Jansey and Luke Weertz were selected as All-State players by the Illinois High School Coaches’ Assn.
- Two Defensive Players of the Year

Mr. Holm lauded the team’s captains: Luke Weertz, Michael Jansey, Evan Holden, Nick Conger, Andrew Stassell and Will Fitch. Those captains chose captains for 2019: Sam Barris, Jackson Williams, Alex Richards, Art Taylor, Drew Itzwig and Quinn Urweiler.

The team also supports many local community initiatives, including the Bulldog Moving Company (helping those in need move furniture), CHIP-In, Batavia ACCESS Toy Drive and an Easter foundation called I Believe Too.

Mayor Schielke revealed the newest city sign honoring the BHS football team on its success during the 2018 season.

12. PRESENTATION: Batavia Environmental Commission 2019 Goals

Anna Bakker with the BEC gave a presentation on the group's 2018 accomplishments and 2019 goals. She shared the mission of BEC and noted that the organization meets the second Wednesday of each month, and meetings are open to all. She said Batavia is now a model city in Chicagoland because of its achievements, including the installation of a pond at BHS and efforts to clean up along the Fox River.

Among its goals for 2019, BEC would like to focus on banning coal tar sealants, working with the Northwest Water Planning Alliance to ensure the availability of groundwater, improving the health of the Fox River, increasing environmental awareness, bringing two additional EV charging stations to Batavia and updating the city code to require new construction to be EV-ready. Fabyan Woods Work Days are held every month.

Ms. Bakker shared the City of Batavia's Comprehensive Plan regarding the environment, and said the city is doing great work. She introduced other BEC members in attendance: Andrew Greenhagen, Carolyn Burnham, Abby Beck, Anna Cole and Michael Willuweit.

BEC meets at 7 pm on the third Wednesday of every month.

13. ORDINANCE 19-07: Amending the Comprehensive Plan, Winding Creek, 2500 and 37W330 McKee Street, M/I Homes of Chicago, LLC, applicant (JLS 2/27/19 COW 2/26/19 13/0) CDC

Ald. Brown introduced the item related to a 69-acre development for single-family homes and townhomes. He said the Council has reviewed many plans over the years for this parcel, and they finally have a plan the Council can support.

Ald. Wolff noted this is a staged development that will be built in sections. The development will eventually connect Deerpath with Branson, McKee Street with Fabyan Parkway. It is something the city has wanted to see for years, but that connection is likely to be the last phase of the development.

Mayor Schielke noted that he likes how it enhances the Braeburn Marsh.

Director Buening noted that this is just the comprehensive plan amendment for the project. The developer will come back in two weeks with the annexation agreement, and they will have nine months to annex the property. This is just the first step.

**Motion by Ald. Brown, seconded by Ald. Stark, to approve the ordinance as presented.
Motion passed 14 yea / 0 nay / 0 absent.**

14. ORDINANCE 19-11: Environmental Indemnification Agreement One Washington Place (LN 2/22/19 COW 2/26/19 13/0) CDC

Administrator Newman noted that the Council was asked to consider three items at last week's Committee of the Whole regarding One Washington Place:

- Does the city want to continue the project in light of the costs to remediate the soil?
- Is the city willing to sign an environmental indemnification agreement accepting liability for environmental contamination on the redevelopment site at the time the site is transferred to the developer?
- Would the city accept a second amended and restated redevelopment agreement to transfer the responsibility for the demolition work and remediation of the environmental contamination for the purposes of cost efficiency and timeliness?

Because the cost of remediation is more than \$350,000, the existing redevelopment agreement obligated the city to meet and confer with the developer to determine if we could find a feasible way to continue to move forward with the project. Over the course of several meetings, staff and the developer have come up with a plan to be able to do that.

The developer's bank is requiring the city to provide indemnification in order to move forward. Adjustments also need to be made to the agreement to transfer responsibility for demolition and remediation work to the developer, and to adjust the project's timeline.

Ald. Brown noted that this item passed unanimously at the COW meeting. Ald. Callahan asked when the contaminated soil was found. Administrator Newman said it was May 2018. Ald. Callahan then asked how many viable plans have been presented to the city for developments on that property. Administrator Newman said none had been proposed.

Ald. Uher said the city owns the contaminated property, and regardless of what happens on the site moving forward, it is the city's responsibility to clean it up. Administrator Newman noted that the contamination could be secured under an environmental barrier, as it currently is under the garage. Only when the site is excavated will the soil need to be removed.

Ald. Wolff said no one will want to develop property next to a contaminated site or live next to it. This development will provide source funds to pay for site cleanup.

Ald. Chanzit said he appreciated the lively discussion on this topic at the COW last week.

Ald. Meitzler said this is a character vote. He said it is the city's responsibility to clean up the mess on its own property. He said if he knew something was wrong with his house but sold it anyway, that would reflect poorly on him.

Ald. Stark said this is a prime example of how votes cross ward lines. The aldermen are committed to what is best for the community as a whole.

**Motion by Ald. Brown, seconded by Ald. Atac, to approve the ordinance as presented.
Motion passed 14 yea / 0 nay / 0 absent.**

15. ORDINANCE 19-12: Second Amended and Restated Redevelopment Agreement for One Washington Place (LN 2/22/19 COW 2/26/19 13/0) CDC

This item is a continuation of the previous item. There was no further discussion on it.

Motion by Ald. Brown, seconded by Ald. McFadden, to approve the ordinance as presented. Motion passed 14 yea / 0 nay / 0 absent.

16. RESOLUTION 19-026-R: Authorizing execution of Design Engineering Services Agreement with Crawford, Murphy and Tilly, Inc. for an amount not to exceed \$379,204.32 for the Prairie Street Improvements Project (TG 2/21/2019 COW 2/26/19 13/0) CS

Ald. Wolff introduced the item related to Phase 1 of the Prairie Street reconstruction project, which will be split among three funding sources. The project has been highly anticipated by the residents, as the street will be totally rebuilt, including underground infrastructure.

Mayor Schielke noted that the project must begin by October 2020 in order to receive grant funding.

**Motion by Ald. Wolff, seconded by Ald. Salvati, to approve the resolution as presented.
Motion passed 14 yea / 0 nay / 0 absent.**

17. RESOLUTION 19-020-R: Awarding a Grant under the Façade Improvement Grant Program for 112 W. Wilson St, Batavia Tech Center, LLC (CA/LN 2/14/19 COW2/19/19 12/0) GS

Ald. McFadden introduced the item related to a grant application for a downtown business. The grant would be \$5,000 or 50% of the cost of the improvements, whichever is less. The building was purchased in 2017, and the owner has spent more than \$100,000 to make improvements to it within the historic center of downtown. The grant would help pay for new doors and framework.

Ald. Brown noted that the applicant has done a wonderful job making improvements to the building. There is a counseling center on the lower level, and upstairs they do testing on new auto computer systems. He said he supports the grant request. Ald. Atac noted it's a nice contrast to have such a high-tech business in such an old downtown.

**Motion by Ald. McFadden, seconded by Ald. Stark, to approve the resolution as presented.
Motion passed 14 yea / 0 nay / 0 absent.**

18. ORDINANCE 19-10: AN ORDINANCE authorizing the City of Batavia, Kane and DuPage Counties, Illinois, to issue Sewerage Revenue Bonds in an aggregate principal amount not to exceed \$2,350,000 in evidence of loans issued pursuant to the Water Pollution Control Loan Program. (PC 2/22/19 COW 2/26/19 13/0) GS

Ald. Atac introduced the item related to the storm-sewer separation project in Area 3.

Motion by Ald. Atac, seconded by Ald. McFadden, to approve the ordinance as presented. Motion passed 14 yea / 0 nay / 0 absent.

19. RESOLUTION 19-24-R: Awarding the Annual Electric Tree Trimming Contract to Asplundh Tree Expert Company for an amount not-to-exceed \$200,000 (BB 2/19/19 COW 2/19/19 12/0) PU

Ald. O'Brien introduced the item relating to tree trimming in Batavia, which was not performed in 2018. The contract calls for tree trimming across the west side in 2019 and the east side in 2020. Asplundh was the low bidder on the work.

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

20. ADMINISTRATOR'S REPORT

Administrator Newman said the plan for Raising Cane's, to be built on the former Avenue Chevrolet site, received unanimous support from the Plan Commission and will be moving on to the Committee of the Whole for consideration.

The restaurant at 109 E. Wilson is under plan review. The restaurant at 107 E. Wilson has received a partial permit issue while plan review continues. Riverside Pizza is under construction and hiring.

The city continues to get annexation requests, and more will be presented at the March 12 COW for approval.

A contract has been signed for 1250 Main Street, and the purchaser has submitted drawings for staff review.

At Deerpath and Main, utilities are being relocated. Comcast is doing this work under a 75-day working contract.

In mid-April, work will be done to add a turn lane into Fermilab at Pine Street from Kirk Road. Northbound Kirk Road will be limited to one lane while this work is being done.

The county is working on a stormwater management ordinance that could greatly impact the city. Batavia staff is working on the team overseeing revision of the statute. The draft is 90 percent complete and will be the subject of a public hearing at the Kane County building on March 21 at 7 pm. Comments will be accepted until March 31, and the team will meet again April 3 and look for approval April 9. The item will be up for approval by the Kane County Board May 18 to go into effect June 1.

Director Holm noted the biggest change may come in the definition of impervious vs. pervious surfaces. He said the new code is more reasonable.

Ald. O'Brien suggested the aldermen try to make it to the March 21 meeting, as this is a big issue for Batavia. He suggested the city may want to be more stringent than the county.

Ald. Salvati asked how long the Kirk Road project will take. Director Holm said it will be 45 days.

Ald. Uher noted that work has begun at Kirk and Fabyan, and he asked when the city's portion of the work will be done. Director Holm said the city's portion is just the water main, and that work would be handled by a general contractor.

21. COMMITTEE REPORTS

Ald. Brown said the next Committee of the Whole meeting is tomorrow at 7 pm. Plan Commission meets Wednesday at 7:30 pm and will include a public hearing. Historic Preservation meets on March 11 at 5:30 pm, and next week's COW is March 12 at 7 pm.

There were no other committee reports.

22. OTHER BUSINESS

Ald. Stark said a resident contacted her about the garbage left behind after the unofficial Batavia Pub Crawl every year. For four years, he has gone out in the morning after the event to collect empty alcohol containers left behind. Ald. Stark noted this is not a sanctioned city event, but it happens every year on the same weekend. She said there should not be cups sitting around afterward, and she wonders why cups of alcohol are ending up outside of the drinking establishments. She suggested that in the future, the city work with the bar owners in advance to help ensure that cups stay inside.

Mayor Schielke said this was a good idea that should be discussed in committee and with city staff.

Ald. Callahan thanked all who volunteered and attended the Flags and Flannel event last weekend to raise funds for the Flag Day Memorial. The event raised a lot of money, and the Community Foundation has agreed to match contributions up to \$25,000. The event was attended by people from within and beyond Batavia, and the Mayor was caught on video dancing.

The Batavia Women's Club will donate proceeds from their annual St. Patrick's Day party to the Flag Day Memorial. Tickets are \$50.

Mayor Schielke said Batavia should be very proud to have a citizen's group bringing this monument to life that may become a national attraction in downtown Batavia.

People interested in supporting the monument can buy a brick to honor someone who served in the military. The campaign will launch at flagdaymonument.com.

23. MAYOR'S REPORT

Mayor Schielke noted that his fellow mayors are quite interested in what Batavia has done to attract so much business and residential growth lately. He commended the Council for its vision and planning for the future. He said he recently spoke to the mayor of Downers Grove, where

they have been some large, mixed-use buildings that were highly controversial. Now, they've attracted people who want to live downtown. He said although Downers Grove is land-locked, the city can expand by building taller structures, and schools are enjoying an influx of revenue. Now, those who complained have grown quiet. He said several Council members in Batavia have taken heat for One Washington Place, but the development will bring in revenue and it's generating a lot of excitement about Batavia.

On March 15, Fermilab's neutron accelerator project will kick off. The \$1.5 billion project will take six years to complete. This is peaceful research that is attracting major foreign investment and will require housing for long-term visitors.

The Mayor said the Shodeen project is the driving force behind the new restaurants opening on Wilson Street, and a lot of towns are looking at Batavia with envy. He said credit goes to the Council for making this happen, and he thanked the aldermen for their efforts.

24. ADJOURNMENT

Motion by Ald. Brown, seconded by Ald. Salvati to adjourn the meeting. Motion carried by voice vote.

The City Council meeting adjourned at 9:00 pm.

Minutes prepared and submitted by Ellen Posledni, City Clerk, March 12, 2019.