

MINUTES
February 15, 2022
Committee of the Whole – Hybrid Meeting
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, Connelly, Chanzit (remote), Solfa, Baerren (remote), Leman, Ajazi (remote), Malay (remote), Uher, Cerone, and Vogelsinger

Members Absent:

Also Present: Mayor Schielke; Gary Holm, Director of Public Works; Scott Buening, Director of Community and Economic Development (remote); Peggy Colby, Director of Finance (remote); Rahat Bari, City Engineer; Anthony Isom, Assistant to the City Administrator; and Jennifer Austin-Smith, Recording Secretary (remote)

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

3. Approve Minutes for: November 30, 2021 and December 14, 2021

Motion: To approve the minutes for November 30, 2021 and December 14, 2021

Maker: Uher

Second: Cerone

Roll Call Vote: **Aye:** Uher, Cerone, Vogelsinger, Miller, Russotto, Beck, Connelly, Chanzit, Solfa, Wolff, Baerren, Leman, Ajazi, Malay

Nay:

14-0 Vote, 0 Absent, Motion carried.

4. Items to be Removed/Added or Changed

None.

5. Matters from the Public (For Items NOT on Agenda)

None.

6. Presentation: Batavia Enterprises, Inc. Update on Shumway Ave. Project

Austin Dempsey, Batavia Enterprises Inc. (BEI), provided the Committee of the Whole (COW) with an update on the 365 Shumway Ave. Project. Dempsey introduced Carl Shirtzinger, RUME, to the COW. Dempsey stated that they have been busy at work to create a RDA ready package and provide City staff all of the information they are looking for. Inflationary pressures, rising

interest rates, and time running out of the TIF clock are an issue. When they do present a project to the COW, they want it to be a project that they could execute in a quick timeline. They re-priced the entire project and redid the evaluation report, market study, reconfirming material selections, and executed contracts with property tax consultants. Dempsey noted that there would need to be an adjustment to the TIF. They are finalizing the concept renderings and hope to be in front of the COW some time in March.

Baerren asked for some green initiatives in this project as well as Electric Vehicle (EV) hook-ups. Dempsey stated that they are delighted to have those conversations with the City and see what they could bring forward.

7. Ordinance 22-07: Annexing Properties on Evergreen Drive, Roberts Lane and Walnut Street (SCB 1/24/22) CD

Buening reported on the memo.

Motion: To recommend approval of Ordinance 22-07: Annexing Properties on Evergreen Drive, Roberts Lane and Walnut Street

Maker: Wolff

Second: Solfa

Roll Call Vote: **Aye:** Wolff, Baerren, Leman, Ajazi, Malay, Uher, Cerone, Vogelsinger, Miller, Russotto, Beck, Connelly, Chanzit, Solfa

Nay:

14-0 Vote, 0 Absent, Motion carried.

CONSENT AGENDA

8. Ordinance 22-08: Extinguishing an Access Easement on the Former First Baptist Church Property (SCB 2/4/22) CD

Buening reported that staff is recommending vacating this easement so that we don't have any impediment to any future development of this property when we do have a development proposal come forward.

Motion: To recommend approval of Ordinance 22-08: Extinguishing an Access Easement on the Former First Baptist Church Property

Maker: Wolff

Second: Connelly

Roll Call Vote: **Aye:** Wolff, Baerren, Leman, Ajazi, Malay, Uher, Cerone, Vogelsinger, Miller, Russotto, Beck, Connelly, Chanzit, Solfa

Nay:

14-0 Vote, 0 Absent, Motion carried.

CONSENT AGENDA

9. Ordinance 22-09: Authorizing the Sale of Excess Land at the Southwest Corner of Batavia Avenue and West Wilson Street by Solicitation of Bids (SCB 2/8/22) CD

Buening stated that this was declared a remnant parcel that is no longer needed for municipal purposes. We are looking to sell this parcel. There has been some interest from the adjacent property owner. We are suggesting that we go out to bid on this property, which would require a newspaper notice three times over a thirty day period, solicit bids and open those bids at a COW meeting. City Council could then decide to accept any of the bids. Staff suggests the minimum bid price of \$5,000.

Motion: To recommend approval of Ordinance 22-09: Authorizing the Sale of Excess Land at the Southwest Corner of Batavia Avenue and West Wilson Street by Solicitation of Bids

Maker: Wolff

Second: Baerren

Roll Call Vote: **Aye:** Wolff, Baerren, Leman, Ajazi, Malay, Uher, Cerone, Vogelsinger, Miller, Russotto, Beck, Connelly, Chanzit, Solfa

Nay:

14-0 Vote, 0 Absent, Motion carried.

CONSENT AGENDA

10. Resolution 22-031-R: Authorizing Execution of Addendum No. 1 to Task Order No. 13 with Allen+Pepa Architects for Additional Professional Architectural and Engineering Services related to Government Center Remodeling Project in the amount of \$9,000.00 (SH 2/10/22) CS

Russotto discussed the memo with the COW. Holm noted that this is an addendum. Leman asked for the plans for the parking lot out front. Holm answered that it would be a completely separate discussion at a different COW meeting.

Motion: To recommend approval of Resolution 22-031-R: Authorizing Execution of Addendum No. 1 to Task Order No. 13 with Allen+Pepa Architects for Additional Professional Architectural and Engineering Services related to Government Center Remodeling Project in the amount of \$9,000.00

Maker: Russotto

Second: Solfa

Roll Call Vote: **Aye:** Russotto, Beck, Connelly, Chanzit, Solfa, Wolff, Baerren, Leman, Ajazi, Malay, Uher, Cerone, Vogelsinger, Miller

Nay:

14-0 Vote, 0 Absent, Motion carried.

11. Resolution 22-024-R: Abatement of \$399,124 from the 2013 \$9,120,000 Refunding GO Bonds (LP 2/8/22) GS

Chanzit announced that he would discuss the next five resolutions together since they are all on the same issue. Chanzit discussed the memo and Colby explained the abatement process with the COW.

Motion: To recommend approval of Resolution 22-024-R: Abatement of \$399,124 from the 2013 \$9,120,000 Refunding GO Bonds
Maker: Chanzit
Second: Solfa
Roll Call Vote: **Aye:** Chanzit, Solfa, Wolff, Baerren, Leman, Ajazi, Malay, Uher, Cerone, Vogelsinger, Miller, Russotto, Beck, Connelly
Nay:
14-0 Vote, 0 Absent, Motion carried.
CONSENT AGENDA

12. Resolution 22-025-R: Abatement of \$1,495,050 from the 2015 \$22,570,000 Refunding GO Bonds (LP 2/8/22) GS

Motion: To recommend approval of Resolution 22-025-R: Abatement of \$1,495,050 from the 2015 \$22,570,000 Refunding GO Bonds
Maker: Chanzit
Second: Solfa
Roll Call Vote: **Aye:** Chanzit, Solfa, Wolff, Baerren, Leman, Ajazi, Malay, Uher, Cerone, Vogelsinger, Miller, Russotto, Beck, Connelly
Nay:
14-0 Vote, 0 Absent, Motion carried.
CONSENT AGENDA

13. Resolution 22-026-R: Abatement of \$408,706 from the 2017 \$6,000,000 GO Bonds (LP 2/8/22) GS

Motion: To recommend approval of Resolution 22-026-R: Abatement of \$408,706 from the 2017 \$6,000,000 GO Bonds
Maker: Chanzit
Second: Solfa
Roll Call Vote: **Aye:** Chanzit, Solfa, Wolff, Baerren, Leman, Ajazi, Malay, Uher, Cerone, Vogelsinger, Miller, Russotto, Beck, Connelly
Nay:
14-0 Vote, 0 Absent, Motion carried.
CONSENT AGENDA

14. Resolution 22-027-R: Abatement of \$692,850 from the 2019 \$3,195,000 Refunding GO Bonds (LP 2/8/22) GS

Motion: To recommend approval of Resolution 22-027-R: Abatement of \$692,850 from the 2019 \$3,195,000 Refunding GO Bonds
Maker: Chanzit
Second: Solfa
Roll Call Vote: **Aye:** Chanzit, Solfa, Wolff, Baerren, Leman, Ajazi, Malay, Uher, Cerone, Vogelsinger, Miller, Russotto, Beck, Connelly

Nay:
14-0 Vote, 0 Absent, Motion carried.
CONSENT AGENDA

15. Resolution 22-028-R: Abatement of \$257,000 from the 2020 \$4,000,000 GO Bonds (LP 2/8/22) GS

Motion: To recommend approval of Resolution 22-028-R: Abatement of \$257,000 from the 2020 \$4,000,000 GO Bonds

Maker: Chanzit

Second: Solfa

Roll Call Vote: **Aye:** Chanzit, Solfa, Wolff, Baerren, Leman, Ajazi, Malay, Uher, Cerone, Vogelsinger, Miller, Russotto, Beck, Connelly

Nay:
14-0 Vote, 0 Absent, Motion carried.
CONSENT AGENDA

16. Resolution 22-020-R: Authorizing IGA with Kane County for the Administration of Raffle Permits (AI 2/15/22) GS

Chanzit discussed the memo with the COW. Isom reported that this is a non-generating revenue source and considering the fact that the City of Batavia currently has only a part-time clerk, we do not overwhelm that particular position with raffle coordinating. Staff feels it is best to leave this duty up to Kane County because this is something they continue to do.

Motion: To recommend approval of Resolution 22-020-R: Authorizing IGA with Kane County for the Administration of Raffle Permits

Maker: Chanzit

Second: Beck

Roll Call Vote: **Aye:** Chanzit, Solfa, Wolff, Baerren, Leman, Ajazi, Malay, Uher, Cerone, Vogelsinger, Miller, Russotto, Beck, Connelly

Nay:
14-0 Vote, 0 Absent, Motion carried.
CONSENT AGENDA

17. Resolution 22-022-R: Authorization to Execute a Memorandum of Understanding Regarding Kane County Bike Sharing Services 2022 (AI 2/15/22) GS

Chanzit summarized the memo with the COW. Beck asked if MainStreet was working on the sponsorship program. Newman answered that at this time there is no one working on the sponsorship program. Newman continued that she spoke with the Bike Commission and they have said that they would entertain looking into being able to pursue the sponsorship.

Beck asked about the electronic bikes and Newman responded that she has reached out to Colony to see if the City could get the original electronic bikes that we had originally contracted for and she has not yet heard back from them. Chair Wolff noted that electronic bikes are legal.

Uher commented that the bikes by the Depot seem off the beaten path. He stated that if they were more out towards the corner it would be more obvious to those who are on Houston. He would like to see if those bikes could be moved to a better location.

Motion: To recommend approval of Resolution 22-020-R: Authorizing IGA with Kane County for the Administration of Raffle Permits
Maker: Chanzit
Second: Beck
Roll Call Vote: **Aye:** Chanzit, Solfa, Wolff, Baerren, Leman, Ajazi, Malay, Uher, Cerone, Vogelsinger, Miller, Russotto, Beck, Connelly
Nay:
14-0 Vote, 0 Absent, Motion carried.

18. Resolution 22-029-R: Authorizing Execution of Task Order #28 with Engineering Enterprises Inc. for Construction Engineering of the Lead Service Line Replacement Project for a Fixed Fee of \$401,904.00 (JB 2/10/22) PU

Holm reported that Jeremy Barkai, Water and Sewer Superintendent, has put together a summary memo and Holm reviewed the memo with the COW. Holm noted that if the project does not go forward there would be no Construction Engineering services. We need to have this agreement in place so that we could get approval of the grant funds.

Motion: To recommend approval of Resolution 22-029-R: Authorizing Execution of Task Order #28 with Engineering Enterprises Inc. for Construction Engineering of the Lead Service Line Replacement Project for a Fixed Fee of \$401,904.00
Maker: Cerone
Second: Uher
Roll Call Vote: **Aye:** Cerone, Vogelsinger, Miller, Russotto, Beck, Connelly, Chanzit, Solfa, Wolff, Baerren, Leman, Ajazi, Malay, Uher
Nay:
14-0 Vote, 0 Absent, Motion carried.

Ald. Vogelsinger exited the meeting at 7:46pm

19. Discussion: Self-Generation Interconnection Policy and Agreement Documents

Holm reported that under the Clean Energy Jobs Act (CEJA) legislation, the City is required to establish two separate policies, a Self-Generation policy and an Interconnection Policy. The Interconnection Policy refers to the connection of customer owned facilities to the City's distribution grid. Holm stated that the COW received a one-page policy document that would satisfy the CEJA legislation and a supporting document to that is a Facilities Interconnect Agreement. This agreement would be executed between the City and a renewable generation customer.

Holm discussed the policy document with the COW. The COW discussed the current code, adoption process, and ordinance revisions. Holm then reviewed the agreement with the COW. Holm discussed the processing fees, testing requirements, rates by system, transparency, metering, and technical requirements. The COW discussed language in the documents. Uher

asked what would happen if the load greatly increased in the City. Newman stated that it is difficult to predict what the future would look like with the technology constantly changing. Newman continued that we are happy to be part of organizations like the Illinois Municipal Utilities Association (IMUA) that makes sure we are provided with the best standard language for policies. Holm reported that revisions and a formal resolution would be brought back to the Committee.

20. Discussion: Batavia Renewable Self-Generation Policy and Regulations

Holm stated that as a follow-up to the last several discussions he has a redlined version of the updated policy for Council's consideration. Holm walked the COW through the redlined changes. Holm noted that staff would be coming back to COW with ordinance revisions to define the small commercial rate class. Holm stated that staff recommends going with one consistent formula that applies to all customers. Cerone suggested reviewing this policy frequently. Holm stated that just like any City policy, the City Council has the full right to change the City policy. Holm stated that there is a deadline right now to get a policy in the books and if there is need for a change in the future that could be done at any time.

Beck stated that something that was discussed at the last meeting that out of fairness we should not be subsidizing other people getting solar with the net metering policy or with the billing rate set at thirteen cents. With the math provided to her and verified by Gary Holm, based on what we have, the average solar customer that we have exporting 317kw hours, it comes out to every other household in Batavia paying \$1.58 per year on their bill. That is the subsidy that we are all absorbing for our current customers. If we grew exponentially and had 64 solar customers we would be paying \$3.00 a year extra for that subsidy. She brings this up because subsidies are a very common and popular policy tool to promote behaviors that we find beneficial to society and would lead to behavior changes for outcomes we see as beneficial. Beck stated she is glad that we are doing the transitions and believes the starting rate could be higher and closer to the net metering cost or the retail cost. She continued it is not that much for each of us to subsidize an outcome we are stating in the same policy document that we are trying to get to in the future. She believes a lot of people in the community would be willing to pay \$1.58 to see cleaner energy adopted by the City.

The COW discussed residential versus small commercial, net metering and net billing. Cerone stated he would like to avoid the burden to those with fixed-incomes. Chair Wolff opened the floor for public comment.

Brian Vogelsinger addressed the COW. He stated the fact of the matter is you do not charge your Electronic Vehicle (EV) during the day when the panels are making power. People are at work during the day and then charge at night. Even with two EVs you will be pushing power back into the grid during the day and charge at night. He has one EV and last month he pushed back 323kw hours to the grid and used 624kw. It is a factor of when that power is made versus when you are using it. He explained net metering acts as storage for solar customers because when we push back to the grid we are pulling the power back when the sun is not shining. With the current cost of solar that is why net metering is so effective. He discussed how not every home is compatible with solar and how much he pays on his electric bill per month. A cut to the current net metering pulls the rug out from under current solar customers who planned on having net

metering. Most municipalities offer net metering for the life of the system even if the resident moves out. He stated that it has been stated that it is tough for the billing department and it seems like it is an administrative issue and not a cost issue to the whole City. Vogelsinger concluded that he would like to see Batavia's green energy future continue to improve and to keep net metering to encourage more people to go with solar. The number one deterrent to solar is the financial aspect.

Bob Flora, Engineering Physicist, presented a PowerPoint presentation titled "Solar Value in Batavia Revised" that contained the following information:

- Batavia Grid Offloading
- Factors Affecting Solar Offloading Value
- Weather & Thermal Correlation
- Reliable Offloading Value
- Batavia Solar Electricity Fair Value
- Recommendations
- Simple Change to the Transition Factor

Chair Wolff stated that there is some cost to solar generation offloading the grid. Offloading raises the purchase power factor for everyone in the City, not just the difference would be for the reimbursement for the power created into the grid but also the power that is not being used by the grid that costs everybody. There is more than what we have seen so far. Holm noted that the costs do not disappear because you are pushing energy out. Holm stated that the days that have the most value are days that have the most peak and those days are five throughout the year. Chair Wolff noted that electrons would not be put back into the grid during those peak days because the houses would be using them on their own air conditioning. The value of unloading the grid does not occur at those peaks five days a year.

Beck asked if the policy could stay as it currently stands and reevaluate in a coming year. Holm stated that this policy is being driven by the CEJA legislation. The only data that we are missing right now is what future deployment of solar is going to be and we won't know that until it happens. We do know the cost differentiation is between what net metering and what net billing would provide. That comes down to a policy discussion, does Council desire to have that as a subsidy or not. Holm stated that this is not an issue of mathematics but an issue of policy and philosophy. Holm gave the example of the parking lot EV charges. A majority of City Council promotes electric vehicles. But a majority has also said we are going to set the rate in the parking lot at a higher rate because the City did not want to subsidize EV owners to use that parking lot charger. That was a policy decision you made. It is not that you do not like EVs you just do not want to subsidize EV drivers. This is an analogy of what we are talking about now with solar on the roof.

Holm cautioned the COW against changing policy when costs get potentially too high. Changing policy after the fact could result in the accusation of discriminating pricing and legislation states that specifically. So if we are in a reactionary mode when a customer has come in and then we want to change the policy it is going to place the City in a bad position. That is why you need to have something in the books expecting the customer to come in the door as opposed to the other way around. If you get a two-megawatt industrial customer that comes in under the PERPA Act,

it is no longer \$1.58, it is all of the two megawatts that they are not using that everyone else has to pay for plus the four and a half cents of all the energy they send back. The cost will quickly go higher if we have large users coming into our system. Holm added that if the COW establishes a review schedule of every six months or a year for review and possible changes that would be fine, you would run into trouble if you have 'xyz company' come in the door and you scramble the next week to make adjustments.

Chair Wolff stated that the memo presented to the Committee shows the four-year step down, the numbers listed as four and a half cents, three cents, one and a half cents and then zero. That is the first proposal that is there. Chair Wolff administered a straw poll by a raise of hands for those in favor of the four-year step down Batavia Renewable Self-Generation Policy and Regulations as written in the memo with the result being 7 Ayes out of 13. Beck suggested adding language "unless the 20% is reached" and Holm stated that he would craft some language to reflect that change.

Holm discussed the second half of the memo with the Committee. The COW discussed potential future incentives to help those who can't afford solar to implement solar, equity, finding a funding source to fund such a program, and Illinois Solar for All.

Ald. Vogelsinger returned to the meeting at 9:58pm.

21. Project Status

Newman reported on the following:

- The City of Batavia along with the Bicycle Commission will be hosting community engagement meetings for our bike and pedestrian plan update on 2-23-22
- Scott Buening has been asked to be a municipal representative on an EV Readiness Committee with the Metropolitan Mayor's Caucus
- RFPs for the four main properties are being worked on
- The Plan Commission will have their regular meeting tomorrow

22. Other

Holm reported that residents could submit service requests through the portal. Uher asked about a mobile app. Newman stated that people can go to the website from their phones without having a separate app to do so. Uher stated that he would check the website for ease of function.

Leman asked about the one-way conversion on River Street. Newman answered that staff is still waiting on information. Chair Wolff suggested having monthly updates sent out to the business owners. Holm stated that they could send out a communication. Chair Wolff stated that any communication is better than none.

Chanzit thanked staff for their continued commitment to the Carriage Crest project.

Chanzit noted that FOIA monthly reports have not been updated. Newman stated that there is a repository for the responses that have been made but there has been a lack of resources for the monthly reports. She will figure out how to do that for an ongoing basis.

Cerone asked if there could be meeting scheduled with the School Board and the COW regarding long-term plans. Newman stated that she would invite them in for a presentation.

Miller updated the COW on the Community Engagement Session 2 for the Batavia Public School District on Thursday, February 24th 6:30-8:30pm at the Batavia High School Library.

Holm announced that Waste Management was invited to attend the next COW meeting.

**23. Executive Session: a. Land Acquisition (SB)
b. Land Acquisition (SB)**

Motion: To enter into Executive Session for the purpose of Land Acquisition a and b

Maker: Solfa

Second: Miller

Roll Call Vote: **Aye:** Solfa, Wolff, Baerren, Leman, Ajazi, Malay, Uher, Cerone, Vogelsinger, Miller, Russotto, Beck, Connelly, Chanzit
Nay:
14-0 Vote, 0 Absent, Motion carried.

The Committee of the Whole entered Executive Session at 10:13pm and exited at 10:39pm.

24. Adjournment

There being no other business to discuss, Chair Wolff asked for a motion to adjourn the meeting at 10:39pm; Made by Solfa; Seconded by Uher. Motion carried.