

**MINUTES**  
**April 2, 2013**  
**CITY SERVICES COMMITTEE**  
**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 Volk called the meeting to order at 7:30pm.

**1. Roll Call**

**Members Present:** Chair Volk; Vice-Chair Liva; Ald. O'Brien, Tenuta, Frydendall, and Jungels

**Members Absent:** Ald. Dietz

**Also Present:** Mayor Schielke (arrived at 7:35pm); Bill McGrath, City Administrator; Scott Haines, Street Superintendent; Gary Holm, Director of Public Works; Noel Basquin, City Engineer; and Jennifer Austin-Smith, Recording Secretary

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

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

**3. Resolution 13-55-R: Approving Solid Waste Services Contract with Advanced Disposal Services Solid Waste Midwest, LLC (Gary Holm 3/28/13)**

Holm reported that this discussion is a continuation from the early January discussion with the Committee. At that time, the City was working with St. Charles and Geneva to possibly do a large joint project for solid waste services. Since then St. Charles decided to stay with their current vender and exercise their options for additional years. Geneva and Batavia continued to work together but found that the timing was such that they couldn't get a formal intergovernmental agreement in place by March. Geneva and Batavia did create one common contract but are administering them as two separate contracts. This same approach was used for the mosquito contract which was highly successful. Staff received bids from five different companies.

Staff was given direction to pursue three options by the Committee back in January. The first option is waste stickers in combination with recycling bins (essentially the same program the City has today), the second option is waste stickers in combination with a wheeled recycling toter (every household gets a free recycling toter with the option of choosing a toter size and option to rent a waste toter without stickers), and the third option was waste toters and recycling toters with a flat rate option. Holm discussed the pricing for all three options. Holm stated that staff is recommending either option two or three.

Holm continued that several contractors have asked if they could bid on alternate collection days. Currently, the City is collected on Monday, Thursday and Friday. Some vendors have stated that if the City alternates the days there could be a more cost effective proposal. Staff issued an addendum that stated that the bids should be for Monday, Thursday, Friday, but if vendors wanted to bid on alternate days than they are welcome to do so. Overall, Advanced Disposal was the lowest bidder on both the current collection days and alternate collection days for all three options. Staff recommends awarding Advanced Disposal the contract for several reasons: Advanced Disposal currently services our community, it would be less administrative work and costs to the City, they know our sticker program and have a relationship with our vendors, Advanced Disposal has offered a lower price if we alternate the collection days. Additionally, if Geneva elects Advanced Disposal the City gets the benefit of Geneva's waste coming through our transfer station.

Tenuta stated that she likes the option to pay-as-you-go and the ability for a family to customize the size of the toter. She sees a lot of trash blowing and neighbors putting it upon themselves to clean up. Areas people cannot get to are accumulating trash. Hopefully the new toters could help with that as well. She appreciates all the work staff did to provide the Committee for these options.

The Committee discussed the options, toter sizes, alternate days and advertising the possible change in collection days. Holm stated that the City would use all forms of advertising to get the word out to the residents. If there are some people who missed the collection day in the beginning of the collection day change, Advanced Disposal will work with the residents to get the garbage collected.

Jim Alderman, Area Manager for Advanced Disposal, 1660 Hubbard, addressed the Committee. Alderman stated that it typically takes about two weeks for people to become acclimated to the collection date change. Advanced Disposal is very experienced in notifying residents ahead of time regarding collection day changes. They follow through on the areas previous collection day and notify the homeowner of the change of collection date if they have their trash out on the wrong day. They do this for two weeks after the collection day change. Advanced Disposal has done this for other communities in the past.

Chair Volk asked if Advanced Disposal would work with Batavia Access Television to do a public service announcement. Alderman responded that they would. O'Brien noted that Advanced Disposal is a Batavia business and it is important to support local businesses. Volk stated that Alderman Clark could not attend tonight's meeting but emailed him and declared that she does not like the fixed fee option and would like to keep the stickers. Volk opened the floor for public comment.

Dave Wilson, 1305 Brandywine Circle, asked if there is a choice for a trash toter purchase so you can buy it once and still use the sticker system. Holm responded that on the solid waste side, the sticker is a volume based program. One sticker on a toter would not be the same as putting a sticker on a bag. Wilson stated that he is supportive of option two and does not mind having the garbage day changed. He would prefer to have his Friday changed to Monday. Wilson asked how much recycling the current bins hold. Volk responded that they hold twenty gallons. Wilson

commented that the smaller toter would work for him. Wilson suggested that the City inform residents on how to recycle well to eliminate the debris.

**Motion:** Recommend to City Council approval of Resolution 13-55-R: Approving the solid waste services contract with Advanced Disposal Services Solid Waste Midwest, LLC for option two with alternate dates  
**Maker:** O'Brien  
**Second:** Liva  
**Voice Vote:** 6 Ayes, 0 Nays, 1 Absent  
Motion carried.

#### **4. 2013 New Sidewalk Program – Discussion on Spring Street Sidewalk (Scott Haines)**

Haines reported that engineering-wise, the south side of Spring Street poses the least amount of challenges with the construction. He estimates that the installation would be six to seven thousand dollars cheaper to do the sidewalk on the south side. Haines shared that his job is to propose the most cost effective way to install a sidewalk if there is no benefit from one side from the other for pedestrian access. Both sides are the same in regards to pedestrian access, what it comes down to is the most cost effective way to install a sidewalk is on the south side of the street. Haines understands the impacts to the existing residents. The north side is still possible. There are some slope changes and retaining wall issues that would have to be installed as part of the sidewalk. At this time, it is up to the Council to decide if they would like to change it from what was originally proposed to the north side with the additional cost. The Committee discussed the sidewalk program and reasons for having sidewalks.

Frydendall recommended using the money for this sidewalk towards an area where the residents want a sidewalk. He explained that the City used the money for a sidewalk on Republic Road towards another location after listening to the residents who were against installing a sidewalk due to the tree structure along Republic Road. Frydendall suggested moving the target along until we build the last sidewalk on the last street and then we can discuss installing a sidewalk with residents that do not want a sidewalk. He would like to give some consideration to the residents who lived there for years and years. Volk opened the floor for public comment.

Gerald Miller, 220 Spring St, stated that he believes in cost effectiveness but does not feel that this should be the only consideration. As Frydendall pointed out, there is no property owner on either side of our street that wants a sidewalk. Louise White School has been there since 1893 and we didn't have a sidewalk then, we don't have one today, it is obviously not necessary. Just this week, he and his wife were driving down to the downtown and witnessed two women walking on the street (Spring Street and Rt. 25) that has a sidewalk on both sides of the street. He sees this all of the time. Seeing that neither side of the street wants a sidewalk he is not promoting it being moved to the north side. Miller asked the City to not put in the sidewalk. He stated that we could better spend our money on an area that does want a sidewalk. He thanked the Committee for their time.

Felix Bowen, 130 North Washington Ave, shared that he is on the corner of Spring and Washington. He agrees with the comments that Gerald Miller addressed. One advantage of putting the sidewalk on the north side of the street is that during the winter months when there is

snow on the sidewalks the sun will hit the sidewalk. On the south side of the street our houses block the sun which will result in an icy sidewalk. The snow and ice will melt more on the north side.

Manny Martinez, 129 North Van Buren St, stated that he has lived at his residence for over twenty-five years. His family never had problems not having a sidewalk. He agrees with Mr. Miller and supports his suggestion. They do not have kids anymore and still have no need for a sidewalk. He sees people walking on the street all of the time, even on streets that have sidewalks.

**Motion:** That the money to be used for the sidewalk on Spring Street be used on another location and not on Spring Street at all  
**Maker:** Frydendall  
**Second:** Jungels

Discussion was held on the motion. McGrath commented that people are not allowed to build homes anymore without a sidewalk in front of them. The sidewalk is not for them, it is for the people who live in the whole area. McGrath continued that this is within walking distance from downtown, this is a prime area for people to be walking and we need to be giving people as many choices as possible. The private property rights start at the property line and as soon as you cross that property line that is public property to be used for the best issue of the community. They could all sell their houses tomorrow and new families could move in and state that they want a sidewalk there. Sidewalks are not typically used by the people that live there.

Tenuta stated that we have discussed the sidewalk program. It was also part of our strategic plan in connecting our community. The City wants a to develop a walkable downtown, connect the east side to the west side, trying to create a sense of place. Tenuta stated that she feels strongly about the sidewalk program. She supports the sidewalk program. Tenuta asserted that she has great reservation when we are going to pick and choose as policy makers to start and stop our process. She is in support of putting a sidewalk on Spring Street.

O'Brien stated his support of Tenuta's and McGrath's comments. He continued that we put in River Street, we want to support pedestrianism, we want people to walk to River Street and we will be putting bump outs on Wilson Street to help keep pedestrians safe. We received some push back regarding the bump outs but we are still proceeding with them. O'Brien asserted that we need to proceed with the sidewalks for pedestrian safety.

Volk stated that we need to listen to the members of the public whether they agree with us or not. We do have a ten year sidewalk plan that should be placed on the website. Everyone should have an understanding on the plan. He is in favor of having the sidewalk on Spring Street.

Frydendall stated that we have several areas in town that do not have sidewalks. If we know there are areas in town that would like sidewalks, why not put the sidewalks in the areas that want sidewalks rather than a location that does not want them. Frydendall continued that he agrees that it is important for sunlight to hit the sidewalk and the south side of the street the sidewalk will be shaded most of the time. He queried why we don't put sidewalks in areas where

people want them instead of where they are not wanted. When we get to the point where every single location has a sidewalk we could then revisit the locations that did not want sidewalks. We need to listen to the residents.

O'Brien stated that we are tasked to provide safety to all of the residents. All of the petitioners are nice folks but the sidewalk is not only for the people who live at that location. The sidewalk is for the town and people walking through the community.

**Roll Call Vote:**      **Aye:** Frydendall, Jungels  
                          **Nay:** Volk, Liva, O'Brien, Tenuta  
                          2-4 Vote, 1 Absent, Motion failed.

**Motion:**            To direct staff to put the sidewalk on the south side of Spring Street  
**Maker:**            O'Brien  
**Second:**            Liva

Discussion was held on the motion. Frydendall asked if they would have to move the trees. Volk responded that according to the memo there are some bushes that would need to be removed and a tree that is needed to be built around. Frydendall commented that the sidewalk does not look good after the tree dies.

**Roll Call Vote:**      **Aye:** Volk, Liva, O'Brien, Tenuta  
                          **Nay:** Frydendall, Jungels  
                          4-2 Vote, 1 Absent, Motion carried.

The Committee directed staff to proceed with sod, per staff's recommendation.

Tenuta stated that she has asked in the past to have Main Street and Randall Road considered as a safe route to school. Haines stated that that intersection is part of the county's project. Basquin added that they will put crosswalks there and countdown pedestrian crossing signs. Tenuta asked about the timeline for these improvements. The countdown pedestrian crossing signs will be bid out for this summer, the crosswalks will be put in once the weather breaks. Tenuta asked if these will also be at Wilson and McKee. Basquin responded that countdown pedestrian crossing signs are already at Wilson and will be at McKee, Mill, and Main Street. Volk requested that staff summarize all of this work in a memo to the Committee.

Liva reported that he had a conversation with a resident who lives at 111 Branford this evening. They are scheduled to get a sidewalk this summer. She thanked the City for the sidewalk.

Frydendall asked if we are cutting asphalt driveways when we put sidewalks. Haines stated that for the past three years they have cut through the asphalt driveways and put the sidewalks in. Frydendall responded that doing so is a good idea, that way the sidewalk is easily navigated by people with wheelchairs or strollers.

## **5. Train Horns Discussion (Noel Basquin)**

Basquin stated that this is continuation to the February 5<sup>th</sup> train horn discussion. At that meeting, we discussed the process to make this a quiet zone for the train that goes along the BNSF tracks through our downtown. Rempe-Sharpe Consulting Engineers presented at that meeting and discussed the slight possibility of receiving a grant from ICC to make this a quiet zone. Rempe-Sharpe provided a proposal of \$6,800 to complete the grant application. The potential funding that we could receive is between twenty-five and thirty and is still an estimate that could be lower or higher. Staff is recommending that we do not apply since we may not have the funding in the future to do the work even if approved for the grant. McGrath stated that there is no money in the budget for this work and this is not in the TIF district so TIF funding would not be available. The only way to get extra funding would be a referendum to have the entire community chip in. There are also some crossings that are not within our jurisdiction that the noise levels would not be improved with the quiet zone. The total cost of this project would be around 3.4 million dollars.

The consensus of the Committee was not in favor of pursuing a grant application with the aid of Rempe-Sharpe Consulting Engineers.

## **6. Others**

There were no other items to discuss at this time.

## **7. Matters from the Public**

Duke Wahl, 811 Manchester, stated that he had the idea for a referendum as well. A referendum allows the government to know what the people feel about the situation. With the recreation center we found out what the people really wanted. As a tax payer, he does not want to pay over three million dollars for a railroad crossing. A referendum is a great idea to allow the people to have a say over the situation. Twenty-five to thirty percent funding from the ICC is not going to help much.

Wahl commented on the sidewalk issue discussed earlier this evening. As far as safety issues he does not think there is a big problem on Spring Street. Forcing a program on the tax payers, since the tax payers are paying for the program, if it is selective and the neighborhood wants a sidewalk it is not going to cost the tax payers as much as forcing a program down their throats and have the program forced forward. He feels that Alderman Frydendall has a great idea to put sidewalks where people want them to be and not where the Council feels it is absolutely necessary.

## **8. Adjournment**

There being no other business to discuss, a motion was requested by Chair Volk to adjourn the meeting at 8:25 pm; Made by O'Brien and seconded by Liva. Motion carried.

Minutes respectfully submitted by: Jennifer Austin-Smith