

**CITY OF BATAVIA**  
**MINUTES OF THE BATAVIA CITY COUNCIL**  
**July 6, 2010 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 by Mayor Schielke at 7:31 p.m.**
- 2. Invocation by Mayor Schielke followed by the Pledge of Allegiance led by Ald. Wolff**
- 3. ROLL CALL: 13 of 14 aldermen were present.**

Aldermen (by ward): Michael O' Brien (1), Garran Sparks (1), Victor Dietz (2), Alan Wolff (2), Janet Jungels (3), Dan Chanzit (3) James Volk (4), Eldon Frydendall (5), Lucy Thelin Atac (5), Robert Liva (6), Lisa Clark (6), Dawn Tenuta (7), and David Brown (7) were present. (4). Thomas Schmitz (4) was absent.

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

City Administrator	Bill McGrath
Assistant City Administrator	Randall Recklaus
City Attorney	John Noble
Deputy City Clerk	Jeanette Armbrust
City Engineer	Noel Basquin
Electric Utility Superintendent	Robert Rogde
Fire Chief	Randall Deicke
Finance Director	Peggy Colby
Director of Public Works	Gary Holm

**4. ITEMS REMOVED/ADDED/CHANGED**

Remove item 8: Approval of the Revolving Loan Fund Program

**Motion by Ald. Dietz seconded by Ald. Liva for approval of the agenda as amended.**

**Motion carried by a vote of 13 aye/0 nay/1 absent.**

**5. CONSENT AGENDA**

Accept and Place on File:

- A. Government Services Minutes May 4, 2010
- B. Community Development Minutes April 27, 2010

Approvals:

- A. June 25, 2010 Payroll \$ 729,323.69
- B. July 2, 2010 Payables \$ 3,743,551.46
- C. June 7, 2010 City Council Minutes
- D. **ORDINANCE 10-17: Amending Title 7 of the Code Relating to Excavations (Gary Holm 6/23/10 City Services 6/22/10 Vote 5/0)**

- E. **RESOLUTION 10-45-R: Authorizing Execution of a Contract for the 2010 Crack Sealing Program with Behm Pavement Maintenance, Inc. for \$50,000.00 (Scott Haines 06/03/10 City Services 6/22/10 Vote 5/0)**
- F. **APPROVAL: Acceptance and placement of gift windmill (WRM 6/21/10 Government Services 6/30/10 Vote 6/0)**

**Motion by Ald. Dietz seconded by Ald. Liva to approve the Consent Agenda as presented. Motion carried by a vote of 13 aye/0 nay/1 absent.**

**6. PRESENTATION:** New Edison Energy/Sam Giliberto  
Roger Breisch/Chamber of Commerce

Breisch congratulated Mark Davis and the Fireworks Committee for the tremendous job on the July 4 Fireworks.

Sam Giliberto, President of New Edison Energy 1454 Louis Bork Drive, addressed the Council. The company began in 2009 and specializes in energy audits, energy efficiency improvement services, and energy procurement. They provide services for residential, governmental and commercial buildings and the services include installation of wind and solar energy mechanisms. New Edison would also like to begin local manufacturing of wind turbines as soon as it is feasible. New Edison also offers off grid street lighting systems that use solar and wind technology to power the units and solar thermal systems for buildings.

**7. APPROVAL: Driveway Aprons & Service Walks (Karen Young 6/18/10 City Services 6/22/10 Vote 5/0)**

Ald. Volk gave a summary of the policy and noted that the engineering department has investigated replacement policies of other municipalities and investor owned utilities to arrive at a policy that will be uniform and fair to all.

The majority of driveway aprons are either asphalt or concrete. In the case where these are disturbed the City will try to remove as little as possible and replace with the same material. Concrete aprons will be saw cut to the nearest joint and those parts replaced. If more than 50% of the apron has to be removed the City Engineer will determine if patching or total replacement is called for.

For specialty aprons made of stamped asphalt, stamped concrete or pavers the City will replace the disturbed part with either asphalt or concrete. Due to the expense of these materials the City cannot afford to replace in kind. There will be a cash in lieu of program whereby home owners may receive money to replace the apron equal to the unit price the City would pay to replace the disturbed part of the apron with asphalt or concrete. The price will be determined by the City Engineer based on unit prices for that job.

For all new specialty aprons there will be an agreement signed by the home owner acknowledging this and recorded with the title so that future home owners know they are responsible for these special material.

For service walks, those short walks between the sidewalk and curb we will not replace any existing service walk unless it is required by current ADA law. In the event a home owner wants a service walk we will have an agreement recorded that states the homeowner is responsible for the repair or replacement of these service walks.

By doing this the City will hold down the cost of street and utility repairs. For now this is a policy the Engineering department will monitor the policy for the next year and the City Services committee will review it next summer. If needed the committee will modify the policy to make it work and then make it a City ordinance.

Ald. Wolff noted that he is pleased that there is now standardization and a written policy.

**Motion by Ald. Volk seconded by Ald. Liva for approval of the Driveway and Apron policy as stated in Karen Young's memo of June 18, 2010. Motion carried by a vote of 13 aye/0 nay/1 absent.**

8. Removed from Agenda

#### **9. ADMINISTRATOR'S REPORT- Bill McGrath**

Staff had a meeting with Altamanu, the company that has been retained to work on the downtown city streetscape plan. As they will work on the streetscape project Altamanu will also design a manual for future developers of the properties. McGrath assured the Council that there will be opportunities for the City Council and the public to give input. Right now Altamanu is in the gathering data phase and once that is completed there will be a timeline for the project that will include times for Council and public input.

The Mayor asked about the current street projects for the City and City Engineer Noel Basquin noted the Raddant Rd project from Wilson St to Pine St is being held up due to the construction worker strike, the Western Ave project from McKee St to Fabyan Parkway will begin in September, and the Van Nortwick left turn lane will begin in the upcoming week.

#### **10. COMMITTEE REPORTS**

##### Community Development Committee- Ald. Brown

The Plan Commission will meet Wednesday July 7 at 7:30 p.m.; the Historic Preservation Commission will meet July 12 at 5:30 p.m.; and the Community Development Committee will meet July 13<sup>th</sup> at 7:30 p.m.

##### Government Services Committee- Ald. Dietz

The Government Services Committee will meet Wednesday July 14<sup>th</sup>

##### City Services – Ald. Volk

The City Services committee will meet Tuesday July 20<sup>th</sup> at 7:30 pm in the council chamber. Ald. Volk requested staff reports on the mosquito program and what can be done about the various streets buckling occurring around town.

Public Utilities – Ald. Frydendall

The July 12 Public Utilities meeting has been canceled.

**11. OTHER BUSINESS**

Ald. Dietz noted that Marseilles, Illinois has a monument to soldiers who have died in the Middle East in and recommended that people stop to view it.

Mark Davis of the Fireworks Committee thanked the committee for their hard work. He shared a few stories from July 4<sup>th</sup> and reported that the committee will at least break even and might be able to replenish some of the reserves that have been depleted the past 2 years.

**12. MAYOR'S REPORT**

At 2:09 a.m. this past Saturday the Mayor was en route to a fire scene when he saw a spectacular and illegal fireworks display. This prompted him to remind the community that people who shoot off fireworks are liable for any damages including damage to homes due to fires begun by the fireworks.

The Mayor urges the Community Development Committee to look at the issue of banners as the current ordinance states that banners cannot be attached to buildings in Batavia. He is concerned that the current ordinance is too stringent and would like the Community Development Department to make recommendations to the CDC on changes to the ordinance. He also believes the issue of LED signs will need to be addressed and urged the CDC to be ready to discuss the issue.

The Mayor also reported that there is little belief that a second stimulus bill will be coming from the Federal Government nor will there be any large transportation bill this year. This is just a reminder that the funds the City has been using for road projects will not be available this year.

**13. EXECUTIVE SESSION: Discussion of Contracts for Purchase Sale and Delivery of Electricity**

**Motion by Ald. Frydendall seconded by Ald. Clark to enter into Executive Session to discuss Contracts for Purchase Sale and Delivery of Electricity. Motion carried by a vote of 12 aye/1 nay (Volk) /1 absent.**

**Roll Call shows all those who entered Executive Session returned to Regular Session.**

**14. ADJOURNMENT 8:51 p.m.**

**Motion to adjourn by Ald. Frydendall, seconded by Ald. Volk; motion passed by voice vote.**

Minutes prepared and submitted by  
Heidi Wetzell  
City Clerk