

**MINUTES**  
**June 22, 2010**  
**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:** Ald. Volk, Liva, O'Brien, Dietz, and Jungels

**Members Absent:** Ald. Tenuta and Frydendall

**Also Present:** Gary Holm, Public Works Director (arrived at 7:31pm), Mayor Schielke (arrived at 7:37pm); Karen Young, Assistant City Engineer; Noel Basquin, City Engineer

**2. Approve Minutes**

There were no minutes to be approved.

**3. Items Removed/Added/Changed**

Agenda item number seven (7) was moved to be discussed before agenda item number four (4). Chair Volk proposed removing agenda item number eight (8) from the agenda to be discussed next month since there were no notes and memos regarding this topic at this time. Dietz requested having a brief discussion regarding agenda item number eight (8) regardless. Chair Volk agreed.

**4. ORDINANCE 10-17: Amending Title 7 of the Code Relating to Excavations (Gary Holm 6/1/10 City Ser 5/18/10 Vote 3/1)**

Holm reported that Ordinance #10-17 was discussed and recommended for approval by the Committee at the May 24 meeting. As part of the approval motion, staff was asked to follow-up on the language regarding insurance requirements for private homeowners. Based on the follow-up, staff is recommending that the final three (3) sentences relating to insurance requirements in section 7-1B-2 be struck. Staff is recommending that the final paragraph simply read "For work performed by a property owner for which no compensation is paid to any other party, no bond shall be required." The result of this change is that there will be no bonding or insurance requirements for work performed by property owners. Staff does not feel that this is a significant departure from how the program is administered today. Currently, staff collects a deposit in the amount of \$300-\$600 from homeowners. Staff tracks this deposit through a system and then reimburses the property owner when they have completed the work. Very rarely has staff ever kept the deposit due to improper work. Holm noted that it is important to remember that \$300-\$600 isn't a significant sum of money considering the type of work performed. Damage could very quickly exceed the deposit amount. Holm reported that the system of minimal deposits has

been in place for many years without any issues. Therefore, staff is comfortable with recommending the complete elimination of all bonding and insurance requirements for property owners.

**Motion:** To recommend to the City Council approval of Ordinance 10-17: Amending Title 7 of the Code Relating to Excavations.

**Maker:** Liva

**Second:** O'Brien

**Voice Vote:** 5 Ayes; 0 Nays; 2 Absent, Motion carried.

#### **CONSENT AGENDA**

#### **5. 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)**

Holm reported that last year there was a push for more preventative maintenance on streets. Last year, surface maintenance and crack sealing was performed on several streets. The intention was to budget this year to perform those treatments again. Unfortunately, it was discovered too late that crack sealing was not budgeted. Staff would like to spend the \$50,000.00 budgeted for treatment and use it towards crack sealing. Treatment will not be performed this year and staff hopes to have surface maintenance budgeted for next year. Staff is recommending that a contract be awarded to Behm Pavement Maintenance for an amount not to exceed \$50,000.00 for crack sealing. The CSC discussed this preventative maintenance issue and asked if Houston, Water and Island are also being considered. Holm and Basquin responded that the City is aware of these streets and there are future plans for these streets.

**Motion:** To recommend to the City Council approval of Resolution 10-45-R: Authorizing Execution of a Contract for the 2010 Crack Sealing Program with Behm Pavement Maintenance, Inc. for \$50,000.00

**Maker:** Dietz

**Second:** Liva

**Voice Vote:** 5 Ayes; 0 Nays; 2 Absent, Motion carried.

#### **CONSENT AGENDA**

#### **6. Sump Pump Inspections for 2010 Season – Information Only (Gary Holm 6/15/10)**

Holm reported for information only that staff is continuing to follow up on their sump pump inspections. Over 200 addresses have been inspected and roughly ten percent have failed due to improper connections. The improper connections have now been resolved. Holm noted that there still are some pending inspections.

#### **7. Driveway Aprons & Service Walks (Karen Young, 6/18/10)**

Young reported that the agreement was updated based on the discussions from the last City Services Committee (CSC) meeting. She explained that with specialty driveways, a property owner would apply to have the driveway or sidewalk installed as a specialty item. The property owner would apply for a right of way permit and they would also execute this agreement. The agreement would then be taken to Kane County and have it recorded so that if there is a transfer in ownership the agreement can be retrieved. This would be part of the commitments and title

searches of the property. Once recorded at the County, it will come back to the City for issuance of a permit. Staff is requesting to have agreements executable by the City Engineer. The only changes to the agreements would be the name, address and legal description for the property. Some code revisions will have to be created at a future date if the driveway aprons and service walks changes are approved. Volk asked if there were any questions regarding the specialty driveways and hold harmless agreement. There were no questions.

Young discussed the memo, titled “City Services Committee Meeting – June 22, 2010 Driveway Aprons and Service Walks,” content with the committee. Young explained that service walks would be allowed to be installed but they will not be replaced. Liva stated that existing service walks should be maintained. He would like repairs on existing service walks be done conditionally where it is repaired when there is no driveway. Liva explained that service walks are important to the property owners when there is no driveway on the property. Volk agreed with conditionally maintaining existing service walks. Dietz mentioned that he would be interested in including in the ordinance walkways for Americans with Disabilities Act (ADA). Young responded if the front of the home was ADA accessible a provision could be made. Basquin noted that if there is a variance on the code, the request to make an area ADA accessible would come back to the CSC. Volk explained that currently staff is just looking for approval of the driveway aprons and service walks as a policy now. Eventually, this would come back as an ordinance once the code is updated. Moving the policy forward is appropriate to give staff guidance on how to move forward. Volk encouraged staff to keep track of ADA problems. He asked staff to report back to the CSC within a year regarding how many driveways and service walks were needed to be replaced along with any ADA concerns. Dietz was in agreement that the approval of the policy should move forward.

Young spoke about repair projects with the CSC. Young explained that during a construction project, the City usually would remove the property owner’s driveway apron or do a patch. If the property owner is interested in extending the patch to the entire driveway, the City is offering a program that would allow the property owner to pay the City for the quantity of material (based on the unit prices) up front and the City would install the material for the extended area. This offer would be time sensitive. In the instance of the “cash in lieu of” project, the property owner does the repairs and the City does the final inspection. The City would pay the property owner the bid amount offered based on the bid unit price and the patch area required for the project. This reimbursement would not take place until after the homeowner had filed for a permit and the City has signed off on the final inspection for the driveway apron installed by the homeowner’s contractor. Liva asked if these new policies would create a hardship on staff’s time. If so, there should be a fee structure. Young responded that this should not cause any undue hardship on staff’s time. Volk suggested looking at this process in a year to assess if there was any hardship and if a fee structure should be considered.

**Motion:** Recommend approval of the driveway apron and service walk policy as discussed in the June 18, 2010 memo to be discussed in one year hence  
**Maker:** Dietz  
**Second:** O’Brien  
**Voice Vote:** 5 Ayes, 0 Nays, 2 Absent  
All in favor. Motion carried.

### **8. Main Street Surveying Services (Karen Young 6/18/10)**

Young reported that the City received 2.5 million dollars in Federal funding for the Main Street project several years ago. Due to the economic times, the project will be designed in-house in an effort to save money. Staff is starting the preliminary process on this and the first phase is to get the entire project surveyed. The Federal funding is from Randall Road to Route 31 but the 2.5 million will not cover that entire project. Staff is looking to survey the entire area, including surveying 31 to Water to First Street due to needed water main improvements. The 2.5 million dollars is to reconstruct Main Street from Route 31 to VanNortwick. The reason for this selection is that there is least impact to right-of-ways in that section. Additionally, staff felt that this would be the best section for Federal process because outside improvements, such as curb and gutters, will not be needed. Basquin will report to the CSC next month regarding the survey and title commitments. Young noted that this is a budgeted item and the City is on budget for this project. In the meantime, staff is working on water main improvements, storm sewer separations, and figuring out what the true scope of this project will be.

### **9. Windmill Lakes Detention Basin Retrofit Annual Maintenance Cost (Noel Basquin)**

Basquin reported that in 2005, the City approved working with the Conservation Foundation to improve the Windmill Lake Detention Basin. The basin is located next to the Aldi grocery store on Main Street and is a dry bottom detention basin. The basin was built as an online detention where an old creek bed came from the North. The basin drains to the South into a high quality wetland that is also maintained by the Conservation Foundation as part of the development of Deerpath Subdivision. The quality of this wetland is threatened because the Aldi basin has maintenance and operational problems that result in polluted and sediment-laden storm water being discharged directly into the high quality area.

The City and the Conservation Foundation met with Tom Zumm, who is the developer of the Aldi/Golden Corral development, as well as Cross Church regarding the project. The creek that drains into the basin goes across the church lot North of the basin. The creek has many invasive species along it and is included as part of the best management plan for the basin. After the meeting, Tom agreed to dedicate the basin to the City and several other lots including a buildable lot (which the City might be able to sell some day, by itself, or packaged along with the Aldi property when vacated). In turn, the development would pay a yearly fee to the City to maintain it, which is about \$3900. The Church also agreed to dedicate a portion of their property that drains into the basin but would not have the funds to pay their portion of the annual maintenance fee, \$900.

The Corps recently contacted the Conservation Foundation and stated they will revoke the funds if the project is not built this year. The City has two options: 1) Agree to take on the \$900 annual maintenance responsibility 2) Exclude the Church's portion of the portion of the project, which would result in added time and expense of fighting the invasive species in the basin we control.

The floor was opened for comment. Liva asked about the value of the property. Basquin responded that he will report on the value at the next meeting since he does not currently have that information. Volk commented that it takes a lot to manage nature and he is appreciative that the Conservation Committee is willing to take the responsibility. The CSC discussed how they

are uncomfortable with property owners not taking responsibility of maintenance. Mayor Schielke suggested that staff review the annexation agreement for the church property. Volk stated that the idea of getting second piece of property in lieu is fine with him. Volk requested that Basquin work with McGrath and Noble to see what the annexation states.

**10. Other**

There were no other items to discuss at this time.

**11. Adjournment**

There being no other business to discuss, a motion was requested by Chair Volk to adjourn the meeting at 8:17pm; Made by Ald. O'Brien; Seconded by Ald. Dietz. All in favor. Motion carried.

Minutes prepared by: Jenny Austin-Smith