

**MINUTES**  
**April 27, 2021**  
**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.

Vice-Chair O'Brien called the meeting to order at 7:00pm.

**1. Roll Call**

**Members Present:** Chair Wolff; Ald. Miller, Baerren, Russotto (online), Beck, Knopp (online), Chanzit (online), O'Brien, Callahan (online), Malay (online), Meitzler (online), Uher (online), Cerone (online), McFadden (online)

**Members Absent:**

**Also Present:** Mayor Schielke; Chief Eul, Batavia Police Department (online); Laura Newman, City Administrator; Gary Holm, Director of Public Works; Scott Buening, Director of Community Development (online); Peggy Colby, Director of Finance (online); Andrea Podraza, Senior Civil Engineer; Griffin Price, Communications Manager; Anthony Isom, Assistant to the City Administrator (online); and Jennifer Austin-Smith, Recording Secretary (online)

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

**3. Approve Minutes for March 9, 2021, March 16, 2021, and March 23, 2021**

**Motion:** To approve the minutes for March 30, 2021

**Maker:** Chanzit

**Second:** Uher

**Roll Call Vote:** **Aye:** Chanzit, Baerren, Wolff, O'Brien, Callahan, Meitzler, Malay, Uher, Cerone, McFadden, Miller, Russotto, Beck, Knopp

**Nay:**

14-0 Vote, 0 Absent. Motion carried.

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

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

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

There were no matters from the public at this time.

**6. Consent Agenda**

**(The Consent Agenda is made up of items recommended by city staff that requires recommendation to the full City Council by the COW. This agenda is placed as a**

**separate item on the COW agenda. The items on the Consent Agenda are usually minor items, already budgeted, standard non-policy activities or outgrowths of earlier meetings and are voted on as a “package” in the interest of saving time on non-controversial issues. However, any council member may, by simple request, have an item removed and placed on the “regular” agenda.)**

**a. Resolution 21-038-R: Requesting a permit from IDOT for the closure of Route 31 for 2021 July 4<sup>th</sup> Fireworks Display Special Event (GH 4/16/21)**

**Motion:** To approve the Consent Agenda as presented

**Maker:** Chanzit

**Second:** Knopp

**Roll Call Vote:** **Aye:** Chanzit, Baerren, Wolff, O’Brien, Callahan, Meitzler, Malay, Uher, Cerone, McFadden, Miller, Russotto, Beck, Knopp

**Nay:**

14-0 Vote, 0 Absent. Motion carried.

*Ald. Beck exited the meeting at 7:04pm due to a potential conflict of interest as a future liquor license applicant.*

**7. Approval: Class B-1 (Package Store) Liquor License for Madhushanti, Inc, D/B/A Craft and Smoke, Located at 20 N Island Ave, Batavia, IL (DE 4/21/21) GS**

The owner of Craft and Smoke addressed the Committee and shared that they will focus their liquor on local craft breweries and distilleries.

**Motion:** To recommend approval of Class B-1 (Package Store) Liquor License for Madhushanti, Inc, D/B/A Craft and Smoke, Located at 20 N Island Ave, Batavia, IL

**Maker:** Chanzit

**Second:** Uher

**Roll Call Vote:** **Aye:** Chanzit, Baerren, Wolff, O’Brien, Callahan, Meitzler, Malay, Uher, Cerone, McFadden, Miller, Russotto, Knopp

**Nay:**

13-0 Vote, 1 Absent. Motion carried.

**8. Approval: Class D-1 (Restaurant – All Liquor) Liquor License for SMOKEDBBQMEATS, LLC, D/B/A Doc Watson’s Smokehouse, Located at 842 N. Randall Road, Batavia IL (DE 4/21/21) GS**

Chanzit overviewed the memo.

**Motion:** To recommend approval of Class D-1 (Restaurant – All Liquor) Liquor License for SMOKEDBBQMEATS, LLC, D/B/A Doc Watson’s Smokehouse, Located at 842 N. Randall Road, Batavia IL

**Maker:** Chanzit

**Second:** Uher

**Roll Call Vote:** **Aye:** Chanzit, Baerren, Wolff, O’Brien, Callahan, Meitzler, Malay, Uher, Cerone, McFadden, Miller, Russotto, Knopp

**Nay:**  
13-0 Vote, 1 Absent. Motion carried.

*Ald. Beck re-entered the meeting at 7:09pm.*

**9. Resolution 21-042-R: Authorizing Execution of Task Order #25 with Engineering Enterprises, Inc. for Carriage Crest Recharge Basin Dewatering Well Analysis Phase I, Part B Supplemental Subsurface Investigation (Deep Wells) (AP 4/23/21) PU**

Holm overviewed the memo. The Committee discussed the need of this work for the residents, future funding, remediating flooding, and limitations of pumping options.

**Motion:** To recommend approval of Resolution 21-042-R: Authorizing Execution of Task Order #25 with Engineering Enterprises, Inc. for Carriage Crest Recharge Basin Dewatering Well Analysis Phase I, Part B Supplemental Subsurface Investigation (Deep Wells)

**Maker:** Wolff

**Second:** O'Brien

**Roll Call Vote:** **Aye:** Wolff, O'Brien, Callahan, Meitzler, Malay, Uher, Cerone, McFadden, Miller, Russotto, Beck, Knopp, Chanzit, Baerren

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

**10. Resolution 21-039-R: Approving Task Order #11 with Trotter and Associates, Inc. for Preparation of a Project Planning Report, Facility Plan and Wastewater Treatment Facility Modeling (GH 4/20/21) PU**

O'Brien summarized the memo. Jerry Ruth, Trotter Engineering, discussed the task order and having a project plan that addresses the immediate needs. They are developing the document now. They are evaluating items that may need to be fast tracked. The project report, facility plan and modeling of the plant would all be included in this task order.

**Motion:** To recommend approval of Resolution 21-039-R: Approving Task Order #11 with Trotter and Associates, Inc. for Preparation of a Project Planning Report, Facility Plan and Wastewater Treatment Facility Modeling

**Maker:** O'Brien

**Second:** Russotto

**Roll Call Vote:** **Aye:** O'Brien, Callahan, Meitzler, Malay, Uher, Cerone, McFadden, Miller, Russotto, Beck, Knopp, Chanzit, Baerren, Wolff

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

**11. Resolution 21-040-R: Authorizing a Contract with Carlisle Utility Contractors Inc. to Perform Conduit Installation by Directional Boring for New Electrical Service at 1252 Piersen Dr for an amount to exceed \$87,174 which Includes 10 Percent Contingency Amount (RB 4/22/21) PU**

O'Brien overviewed the memo.

**Motion:** To recommend approval of Resolution 21-040-R: Authorizing a Contract with Carlisle Utility Contractors Inc. to Perform Conduit Installation by Directional Boring for New Electrical Service at 1252 Piersen Dr for an amount to exceed \$87,174 which Includes 10 Percent Contingency Amount

**Maker:** Cerone

**Second:** Russotto

**Roll Call Vote:** **Aye:** Cerone, McFadden, Miller, Russotto, Beck, Knopp, Chanzit, Baerren, Wolff, O'Brien, Callahan, Meitzler, Malay, Uher

**Nay:**

14-0 Vote, 0 Absent. Motion carried.

CONSENT AGENDA

**12. Resolution 21-041-R: Authorizing a Contract with Carlisle Utility to Perform Conduit Installation by Directional Boring for New Electrical Services at 1801 Suncast Ln for an amount not to exceed \$47,313 which Includes 10 Percent Contingency Amount (RB 4/23/21) PU**

**Motion:** To recommend approval of Resolution 21-041-R: Authorizing a Contract with Carlisle Utility to Perform Conduit Installation by Directional Boring for New Electrical Services at 1801 Suncast Ln for an amount not to exceed \$47,313 which Includes 10 Percent Contingency Amount

**Maker:** Uher

**Second:** Cerone

**Roll Call Vote:** **Aye:** Uher, Cerone, McFadden, Miller, Russotto, Beck, Knopp, Chanzit, Baerren, Wolff, O'Brien, Callahan, Meitzler, Malay

**Nay:**

14-0 Vote, 0 Absent. Motion carried.

CONSENT AGENDA

**13. Presentation: City of Batavia Communication Plan (GS)(GP)**

Griffin Price presented a PowerPoint Presentation utilizing the shared screen feature on Zoom. The PowerPoint titled 'City of Batavia Communication Plan Revised: April 2021' included the following information:

- Purpose
- Communication manager responsibilities
- Stakeholders
- Channels
- Work Flow
- The Plan

- Recommendations

The Committee discussed communication recommendations: communication strategy roll out, updating CivicPlus, providing extra support for new residents, creating a City of Batavia app, technology training and safety for the elderly, review and data of any communication plan implemented.

#### **14. Discussion: Incidental Outdoor Displays in the Light Industrial Zoning District (SB)**

Buening shared that one of the concerns staff has is we don't want to allow for an unlimited amount of storage in the front of these buildings. The Light Industrial (LI) District requires all storage to be behind a screened fence or enclosure that cannot be seen from the street. Staff does understand the need for some businesses to have some level of incidental outdoor display. Buening stated that he has discussed with Alderman Callahan was developing some type of regulation that would allow for businesses to apply for an administrative design review that would allow for a certain limited amount of outdoor display within a confined area.

The owner of Windmill Countertops addressed the Committee. He shared that they love the corner that their business is on in Batavia. The slabs out front as a display gets people's interest. We are here to service Batavia and the surrounding area and we offer top-notch service. He does not want his business to look junky. We have kept three slabs out front showing to the street that gets people stopping and looking. We enjoy this community and we need some support. Code enforcement has asked us to move everything behind the building and we don't want to do that. We don't want people in our shop area in the back any longer than we have to due to liability issues. Having the most popular materials in the front of the building allows us to display them to customers quickly, easily and safely.

Staff will craft something for the Committee to review.

#### **15. Discussion: Mahoney Creek Tributary Stormwater Basin (GH)**

Holm overviewed the three options for the Mahoney Creek Tributary Stormwater Basin utilizing a PowerPoint presentation titled 'City of Batavia Mahoney Creek Tributary Detention Basin' via the shared screen feature on Zoom. The presentation included the following information:

- Overall demolition and erosion control plan
- Overall proposed grading plan (option 1)
- Overall Basin Cross Section Plan (option 1)
- Overall Proposed Grading Plan (option 2)
- Overall Basin Cross Section Plan (option 2)
- Overall Restoration Plan

The Committee discussed the percentage of improvement with each option, sanitary sewer, naturalization, basin depth, Fermi Lab's improvements, climate change and improvement by expansion. Holm stated he would return with a written document sharing the costs of the three options and the percentage of change expected for each option.

## **16. Discussion: Illinois Energy Legislation (GH)**

Chair Wolff stated that he read Gary Holm's memo and his takeaway was that we are asking for cooperation to get us to the point that everyone wants to get to, which is to get rid of the coal plant and move to renewable energy. We need to be really certain that the path that we take to get to renewable energy does not end up being similar to the Prairie State deal. He is not certain that anyone has the answers yet as to how to get to renewable energy serving us as base load in the future as fast as CEJA proposed. There are huge concerns that he has with this City's economic growth and sustainability if we don't do this carefully. He does not know if we have the technology ready to get us to base load renewable energy in nine years. Our Prairie State contract requires that we purchase a certain amount and if we do not the cost is passed to the residents. We need to clearly state to our legislatures what our concerns are.

O'Brien opened the floor for public comment. William Koehl addressed the Committee remotely. He stated that he lives in Geneva and Geneva will be discussing this on May 10<sup>th</sup>. He stated that he emailed the Committee a list of liabilities that we might experience and shared the top six: price and carbon, carbon capture, increasing size of the coal ash pit, pollution causing sickness and death and liability for that, climate change, aging plant and pensions. He thinks we should not count those potential liabilities as zero when we are comparing them with the cost of dealing with the situation. The price on carbon is forty dollars a ton and Prairie State emits about twelve million tons a year and the simple math of Batavia's share is about eighteen million dollars a year. The easy way out of that is carbon capture and storage. There is an international energy agency report on what would carbon capture cost. The ones for coal plants cost one to two times as much as the cost of carbon. We do need to have carbon capture, we have too much in the atmosphere already and we would have way more in the atmosphere by the time we get this under control. We do need carbon capture but it would cost a lot of money just to keep it going. He discussed the Kensington Fossil Plant in Tennessee and the liabilities accrued thirteen years ago. He shared some references with the Committee. The US Military published an article titled 'Survey of Security Experts Warns a Potentially Catastrophic Climate Risk in the next Twenty Years' and one from the University of Chicago titled 'Cost of Climate in Actions.'

Karen Brooker addressed the Committee remotely. She said she is a resident who is willing to pay more in taxes in order to support clean energy and close Prairie State as soon as possible. There are many, like her, who puts a high value on clean energy and want to see this done.

William Scown addressed the Committee remotely. He stated that he believes the City should not rush to put out a letter that states the only thing that Batavia could possibly agree to would be the indefinite continuation of operation of Prairie State with no support for CEJA or the other bills out there. Looking over the draft memo distributed by Gary Holm summarizing the concerns there are two major concerns if addressed could make CEJA or a similar legislation a good deal for Batavia. By good deal he means a reasonable cost to address those future risks and liabilities and putting an end of additional pollution and contributions to climate change that we all want to avoid. The most important issue is cost. There are two major cost items that drive the cost over the next nine years. The first is the Energy Community Reinvestment Fee, which is capped at one cent per kilowatt-hour and that accounts for the majority of the additional cost, forty to fifty million, over the next nine years. Batavia and other communities could request an amendment to the bill to give themselves some relief on the Community Reinvestment Fee. He

believes that it is a legitimate request and would receive serious attention. The price for the request is zero, there is nothing to be lost by making such request. The second item was concern over the Renewable Portfolio Standard (RPS) which kicks in five years down the road. Given that you have already committed to buying more power from Prairie State some requirement to provide 25% renewable to your customer base would require you to buy additional renewable energy on top of what you don't need and have to resell it. It would be perfectly legitimate to ask for relief from that requirement until the bonds are paid off and the requirement to buy 55 megawatts is no longer in service. Those two together would give Batavia a 50% reduction in the 40-50 million incremental cost that was identified in the nine year transition period. You could ask for more or less but he does think it is possible to reduce the cost to Batavia during this transition period. Once you get through this transition period and Prairie State is closed and the PPA is no longer enforced the RMI study indicates you would have a push or savings by replacing the Prairie State Power with a clean energy portfolio of power capacity and services. The other concern seems to be premature closure of coal and gas generation by 2030 and nuclear generation by 2050. The bill as written has a contingency to delay plant closure if grid reliability is at risk (page 83). Clearly, those drafting the bill do not want a grid reliability problem. What we are after is clean, reliable, affordable energy and the bill could be amended to make all of that balance out and happen.

Alex Zellas, member of the Batavia Environmental Commission, addressed the Committee remotely. She sent a letter to Ald. Malay and Knopp earlier today. She summarized the letter and encouraged the Committee to read the full letter. Zellas reviewed the draft letter to the state legislatures and she is happy to see the Council come to a consensus on these policy statements and all are in support of a just transition to renewable energy. We all agree that climate change is a serious issue and would affect our City and the planet and it is important to for us to do our fair share to reduce and eliminate carbon emissions. She understands that the commissioning cost of the plant and the bond payments will happen regardless of whether Prairie State is in operation. And while this legislation is not a perfect solution it should be viewed as an opportunity. She is not sure if the benefits including financial, environmental and public health have been adequately discussed and considered thus far but she hopes as the City continues to drill down this discussion and determine what we need to buy into in legislation on this issue that you keep in mind the less tangible cost of not shutting down Prairie State. We must do everything we can now and challenge ourselves to meet these ambitious goals for our children and grandchildren. Doing the right thing requires a financial investment and she is willing to do that.

Terry Allen addressed the Committee remotely. She stated that she reviewed the City's draft letter and it addressed the important points of cost for Batavians. She understands that Batavia is legally bound to fulfill its contract with Prairie State but she does not want to have our City of Batavia send a letter to our state legislatures saying that we do not want CEJA go through. She is a citizen that wants CEJA to go through and she does not believe that we have the time that was referred to in the letter. We need to act right away to make every change we can and work together in one direction to stop climate change. She is willing to pay more taxes to help make these changes and there are many people in Batavia who feel the same way. We do not have time to waste, we do not have thirty years to do this, we need to start right now.

Anne Heavey addressed the Committee remotely. She too reviewed the letter and she would like to address the position it takes on CEJA by reading an edited daily post by Heather Cox Richardson, 'on his first day in office Biden took the US back into the International Paris Agreement. Biden seems not simply trying the nation's energy production with the leader's summit on climate. Biden is taking what his Secretary of Energy our generation's moon shot, a reference to the American determination to reach the moon in the 1960's, a goal that spurred previously unimaginable developments in technology, computers and science. The sentiments of business leaders have shifted as they recognize that climate change is a financial disrupter. Earlier this month, leaders of more than four hundred businesses that collectively employ seven million Americans signed a letter asking Biden to cut greenhouse gas emissions by at least fifty percent below 2005 levels by 2030. To restore the standing of the US as a global leader we need to address the climate crisis at the pace and scale it demands. New investment in clean energy, energy efficiency and clean transportation could build a strong more equitable and more inclusive American economy. Signatories include Etsy, Facebook, Microsoft, Verizon, and WalMart. At the summit Biden announced that by 2030 the US would reduce emissions by 50-52% from the levels of 2005, more than doubling our commitment under the Paris Agreement. Biden went farther through calling for the changing of the American economy over to renewables including wind, solar, nuclear and so on to make the country carbon free by 2035. Chinese dominance of the technology and supply chains of the solar industry threatens to sideline American technology and national security as even American solar manufacturers depend on Chinese materials.' O'Brien asked for Anne Heavey to send the article to the Council. She responded that she would be happy to.

Susan Russo addressed the Committee virtually. She stated that she read the City's draft letter and it states that the City supports clean energy and they are willing to participate in CEJA only if Prairie State's contract is allowed to run its course for the City of Batavia. It also makes it confusing for legislatures. It is difficult to figure out what Batavia is looking for here. Russo sent a letter to the Committee with four bullet points that the City could very clearly ask for and clearly state in a one-page letter. Batavia supports CEJA on the condition that we could find a path forward on these four (or however many you want) points. If CEJA does pass, we have nine years until Prairie State closes to work towards managing those bonded indebtedness cost. It is very clear that the Federal Government is already making enormous strides to implement climate change legislation and regulation. Why not use the next nine years to work with our federal senators to try to incorporate into federal law relief from bonded indebtedness not just for Batavia but for any owner of a plant that shuts down in the United States. She has seen absolutely no cost projections for Batavia for the environmental disasters that the continued operation of Prairie State causes us to be obligated. How many millions of dollars would Batavia have to pay to individuals who are sickened or die from Prairie State's coal ash during the next thirty or forty years. How many millions would Batavia have to pay to decontaminate the ground water supplies that would potentially become scarcer during our climate change crisis? How many millions would Batavia have to pay in penalties imposed by the Federal Government as it moves towards its climate change mandates? Two thirds of Americans believe that climate change is a major threat and that government should do more to address it. You have all expressed regret in entering the Prairie State contract. Russo predicted that if CEJA fails, fifteen years from now Batavia would regret that it did not do more to ensure that CEJA is passed. She

asked the Committee to reconsider sending this draft letter in its current form. Russo noted that she sent a letter to the Committee for their review.

Andrew Greenhagen stated as the Chair of the Environmental Commission he was contacted six months ago a company with a renewable energy policy wanted to relocate in Batavia. They wanted to advertise their product as 100% powered by renewable energy. It seemed to him this company would avoid coming to Batavia because they would have electricity from a coal-fired power plant. There is a growing list of companies who have these renewable energy policies as an internal company choice and they will avoid Batavia if we do not have other options for them.

Carolyn Burnham, Batavia Environmental Commission, remotely addressed the Committee. She stated what she is looking for in this correspondence to our State Legislature is what our want. What is that we need to make this happen? The memo should include what is it that Batavia wants that could make it palatable to close these plants prior to when our bonds are done, which is the end of 2041. CEJA and a lot of these plans were written with the big players of electricity in mind. They left the municipal utilities hanging. She thinks it is really good that Gary Holm went through the CEJA document and outlined the way it is not meeting our needs as a municipal utility. We want it stated in the document this is what we need from you to make the economics of this palatable for us to be able to close this plant and move on.

The Committee discussed incorporating concerns into a policy statement for our legislatures to enact, asking for a provision of municipal bankruptcy/financial relief, simplifying the correspondence, making the letter more concise, if the plants close would it alleviate our obligations under the purchase power agreements, not increasing rates for residents, support of renewable energy, hold harmless language, and limitations of renewable energy. Further discussion will be held with the COW on this matter.

### **17. Project Status**

Newman reported on the following:

- Nicor will be doing line work on Island Avenue. Work is expected to be finalized mid-May.

### **18. Other**

Callahan asked that the Trotter and Associates liquidated damages be discussed at a future COW meeting. Newman noted that this discussion (Change Order No. 9) would likely be held during closed session due to possible future litigation.

O'Brien suggested putting up signage directing Boardwalk Shop traffic to the new Mercantile Shops.

O'Brien thanked his fellow council members and stated it was a privilege to serve with everyone.

### **19. Adjournment**

There being no other business to discuss, Chair Wolff asked for a motion to adjourn the meeting at 10:52pm; Made by O'Brien; Seconded by Chanzit. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith, Recording Secretary, on June 12, 2021.