

MINUTES
December 13, 2016
Committee of the Whole
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 Brown called the meeting to order at 7:30pm.

1. Roll Call

Members Present: Chair Brown; Ald. Russotto, Atac, Chanzit, Stark, Wolff, Salvati, O'Brien, Callahan (via telephone), Meitzler, Mueller, Botterman, Cerone, and McFadden

Members Absent:

Also Present: Mayor Schielke; Laura Newman, City Administrator; Scott Buening, Director of Community Development; Jeff Albertson, Building Commissioner; Drew Rackow, Planner; Peggy Colby, Director of Finance; Gary Holm, Director of Public Works; and Jennifer Austin-Smith, Recording Secretary

2. Items to be Removed/Added/Changed

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

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

There were no matters from the public at this time.

4. Public Hearing – WWTP Project Summary and Preliminary Environmental Impacts Determination

Chair Brown opened the public hearing. O'Brien read the public hearing statement:

The City of Batavia has submitted a loan application to the Illinois Environmental Protection Agency seeking funds to construct certain wastewater projects. The IEPA's loan program requires that the potential environmental impacts of the proposed wastewater projects be assessed. The Assessment was carried out in conjunction with the State's review of the City's facility plan. Prior to final approval of the plan, the public's comments are sought regarding environmental impacts of the proposed project.

The IEPA has reviewed the facility plan and has determined the project to be technically sound and cost-effective. Unless new information gained from the public causes reconsideration, the Agency will approve the facility's plan at the close of the public comment.

The City of Batavia is making available for public inspection and comments a Project Summary and Preliminary Environmental Impacts Determination (PEID). The document is available for

public inspection here at City Hall and on the City's website. Written comments on the document may be submitted at any time up to and including December 23, 2016. Written comments may be submitted by mail to either the City's Deputy Clerk or to:

Chris Covert, Project Manager
Infrastructure Financial Assistance Section
Illinois Environmental Protection Agency
Bureau of Water
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Chair Brown asked if there was anyone from the public that wanted to address the Committee on this matter. There were none.

Motion: To close the public hearing
Maker: O'Brien
Second: Salvati
Voice Vote: 14 Ayes, 0 Nays, 0 Absent
All in favor. Motion carried.

5. Discussion: Branding Study Consultant Selection (SCB 12/5/16) CD

Richard Cassis, Sparc Inc., explained community branding to the Committee. Mary Ann Rood presented on the following:

- 3 Phases (pre-phase, phase 1, phase 2, phase 3)
- Working with us (partners with our clients)
- The plan would be ready by the first day of summer

Richard Cassis shared the work that they have done. Rood stated that the Committee would be involved along the way for approvals. Brown stated that way finding is an important aspect to the branding project. He stated that he does not want to forget our history and where we came from. Rood stated that understanding where you have been empowers you to where you want to go.

Atac asked how could we be sure we get the proper sample from the community. Jackie Short stated that she has been a professional researcher for 35 years. What she would be doing is looking at all of the different segments: the public, internal people, business people, people who do their shopping and dining in Batavia, etc. There are basic statistical methodologies to know how much are needed in a survey. She would like to get as many responses as she could possibly get. The more responses that they have the more robust the data would be.

Atac asked about the logo. Rood stated that the surveys would allow for an informed decision on whether or not a new logo is needed. Brown commented that he likes the logo as it is. Atac noted that the logo is an additional cost to the City. Cassis stated that even as an additional cost it is still within the budget. Stark commented that the park district and school district have their own logos. She asked if there is a way to make our logo cohesive instead of having a lot of diverse

groups happening. Stark asked if that could be part of the branding project. Rood answered that it could. Cassis stated that it depends on if you want it to be and if you do they could make that part of the project. There were no more questions from the Committee.

6. Discussion of the Braeburn Marsh CD

Holm stated that in October they got the permit. This fall we tried to push the burn up to the fall but the conditions were not favorable for the burn. The burn will be done in the spring, which is the schedule that the Army Corps of Engineers had set up for the City from the beginning of this process. Mayor Schielke stated that there are some concerns about the walkway in the marsh and its safety. Holm noted that the walkway is in the part of the marsh that is not Batavia's. The Forest Preserve District and not the City manages that part of the marsh. Staff has expressed to the Forest Preserve District, per the Mayor's request, to do more burns and maintenance to their portion of the marsh.

7. Ordinance 16-82: Amending the Official Zoning Map for a Planned Development Overlay District – 607 S. Jefferson St. (Rackow 12/8/16) CD

Stark reported that this ordinance is for the redevelopment of the old Blaine Street School. It opened as a school in 1906 and closed in 1969 and then it was used as a trade school in 2004 and since then it has been unoccupied and used for storage. The applicant who purchased the property would like to turn the school into a two unit dwelling and add a single-family residence west of the existing structure. Rackow noted that the ordinance does include the driveway provision that the Plan Commission discussed and did not feel was necessary to be included. Staff does feel that using the existing driveway widths creates too much pavement on the property and that could be addressed by cutting the driveway back.

The Committee discussed the site plan and existing driveway. Mike Spillane, Spillane and Sons, explained that removing the driveway would increase the cost of the project by \$10,000 and for this project it is not necessary. Spillane continued that he does not know if reducing the width of the driveway could be done. There is a concave characteristic of that driveway in order to allow rainwater to drain. We think that it may change some of the characteristics of the driveway and cutting it could cause deterioration. Wolff stated that he sees the logic in keeping the driveway the way it is. It drains and it works. Mayor Schielke asked what the color of the building would become. Spillane stated that the color choices have not been chosen yet but there will be a change in color.

O'Brien asked about making the asphalt a little wider. Spillane stated that it is based on the code. Buening suggested a good compromise would be having a variance to widen the driveway. Spillane stated that flaring the existing driveway could be easily done. They are not in support of removing the driveway altogether. Callahan stated that Spillane's work and quality is unmatched and he would defer to Spillane's thinking on this. O'Brien stated that he would support a variance to widen the driveway. Spillane agreed that widening the driveway was a good compromise. Spillane added that they are decreasing the water run off on the site by 60% and he is not concerned that widening the driveway would increase water retention or shedding.

Brown asked about a fenced area around the construction site. Albertson stated that the new single-family house would require a fence around the property when it is built. Safety fencing to

keep people out of the construction site for the remodel would not be necessary since most of the work will be done inside.

Stark asked if there was anyone from the public that wanted to speak. There were no members from the public that addressed the Committee.

Motion: To recommend to Council approval of Ordinance 16-82: Amending the Official Zoning Map for a Planned Development Overlay District – 607 S. Jefferson St amended to include the modification of proposed driveways to meet appropriate driveway width

Maker: O'Brien

Second: Salvati

Roll Call Vote: **Aye:** O'Brien, Callahan, Meitzler, Mueller, Botterman, Cerone, McFadden, Russotto, Atac, Stark, Chanzit, Wolff, Salvati, Brown

Nay: None

14-0 Vote, 0 Absent, All in favor, Motion carried.

8. Resolution 16-95-R: Authorizing the Sale of Municipally Owned Real Estate at Wilson Street and Spuhler Drive (SCB 12/8/16)

Buening stated that this is the property that was recently denied for rezoning for the twelve-unit project. Staff is looking to put this property up for sale again. Buening stated that once the property is put on the market again the Council could decide whether or not to accept any of the bids and then staff could proceed with whomever is interested. Buening stated that this would be posted for sale at the beginning of next year.

Motion: To recommend to Council approval of Resolution 16-95-R: Authorizing the Sale of Municipally Owned Real Estate at Wilson Street and Spuhler Drive

Maker: Wolff

Second: McFadden

Voice Vote: 14 Ayes, 0 Nays, 0 Absent
All in favor, Motion carried.

9. Resolution 16-94-R: Authorizing Execution of the Preliminary Engineering Services Agreement for Prairie Street Reconstruction Project (Pine Street to Wilson Street) with Crawford, Murphy and Tilly Engineering in the amount of \$277,927.66 (Tim Grimm 12/7/16) CS

Bari reported that the City had received credit funding through the Kane/Kendall House of Mayors. Because this is federal funding we have to go through the pre-engineering and design engineering process. The City has followed the federal process to find a consultant. The final proposal was \$277,927.66 and the funding would be coming from our grant funding that we received in 2014 from the Illinois Department of Transportation (IDOT). Mayor Schielke commented that staff did a wonderful job putting this project together.

Motion: To recommend to Council approval of Resolution 16-94-R: Authorizing Execution of the Preliminary Engineering Services Agreement for Prairie Street

Reconstruction Project (Pine Street to Wilson Street) with Crawford, Murphy and Tilly Engineering in the amount of \$277,927.66

Maker: O'Brien

Second: Cerone

Voice Vote: 14 Ayes, 0 Nay, 0 Absent
All in favor, Motion carried.

CONSENT AGENDA

10. Resolution 16-97-R: Authorizing Execution of Task Order #10 with Trotter and Associates (Byron Ritchason 12/7/16) PU

O'Brien noted that the list of improvements are listed in the memo distributed to the Committee. Ritchason stated that one example of the list of improvements is the design of Flynn Street improvements. He explained that this came about in the review process. Staff looked into that area and thought ahead to Main Street improvements and we are tearing up that road anyway. They would like to get this designed and done before the road is all torn up.

Trotter reported that they are opening bids on the first phase on Thursday. Once they open bids they will provide a recommendation to Council for award. They will submit the package to IEPA so they could start their process. He anticipates that sixty-days after bid opening the City should receive a loan agreement from the IEPA, which should give us an award in February and have the project breaking ground in March of next year.

Motion: To recommend approval of Resolution 16-97-R: Authorizing Execution of Task Order #10 with Trotter and Associates

Maker: Wolff

Second: McFadden

Voice Vote: 14 Ayes, 0 Nays, 0 Absent
All in favor, Motion carried.

CONSENT AGENDA

11. Resolution 16-98-R: Change Order in the amount of \$34,193.25 to the construction contract with Geneva Construction Company for 2016 Street Resurfacing Program (Rahat Bari 12/9/16)

Bari stated that this is the final change order. The biggest quantity that has changed is the asphalt quantity. He stated that we need a little more asphalt than anticipated in the beginning. One other change was adding four inches of striping that was requested by the residents at a COW meeting. Geneva Construction has completed all this work already. Wolff noted that the City spent \$16,448 on the striping for Woodland Hills Road so people could know how to stay on the road. O'Brien stated that the striping was done because of a safety concern. He continued that the contractor should have had some foresight rather than making the asphalt too high. Botterman concurred. O'Brien asked if Geneva Construction would return to repair any ponding that should occur. Bari answered if it is a construction defect they would return to repair it. Bari added that staff has been keeping an eye on the area for ponding.

Motion: To recommend to Council approval of Resolution 16-98-R: Change Order in the amount of \$34,193.25 to the construction contract with Geneva Construction Company for 2016 Street Resurfacing Program

Maker: Wolff

Second: McFadden

Voice Vote: 14 Ayes, 0 Nays, 0 Absent
All in favor, Motion carried.

12. Ordinance 16-79: Amending Title 4 Chapter 5 Section 8 (C) of the Batavia Municipal Code for Leaf and Brush Pickup Fee (Peggy Colby 12/6/16) GS

Atac reported that as a part of trying to balance our budget, the Council agreed to increase the Leaf and Brush Pickup Fee by one dollar to almost cover the cost of the program.

Motion: To recommend to Council approval of Ordinance 16-79: Amending Title 4 Chapter 5 Section 8 (C) of the Batavia Municipal Code for Leaf and Brush Pickup Fee

Maker: Wolff

Second: Cerone

Voice Vote: 14 Ayes, 0 Nays, 0 Absent
All in favor, Motion carried.
CONSENT AGENDA

13. Ordinance 16-80: Increasing Motor Fuel Tax and Amending Title 3 Chapter 23 Section 3 and Section 6 of the Batavia Municipal Code (Peggy Colby 12/6/16) GS

Atac reported that in an effort to balance our budget there would be an increase of one cent per gallon for a total of three cents for the Local Motor Fuel Tax. There is also an incentive for people to use the online program that was purchased last summer. There would be a half percent credit for filing online and a half percent credit for paying online. Colby stated that all of the gas station owners were notified.

Motion: To recommend to Council approval of Ordinance 16-80: Increasing Motor Fuel Tax and Amending Title 3 Chapter 23 Section 3 and Section 6 of the Batavia Municipal Code

Maker: Cerone

Second: Russotto

Voice Vote: 14 Ayes, 0 Nays, 0 Absent
All in favor, Motion carried.
CONSENT AGENDA

14. Ordinance 16-81: Amending Title 3 Chapter 25 Section 7 of the Batavia Municipal Code (Peggy Colby 12/6/16) GS

Motion: To recommend to Council approval of Ordinance 16-81: Amending Title 3 Chapter 25 Section 7 of the Batavia Municipal Code

Maker: McFadden

Second: Cerone

Voice Vote: 14 Ayes, 0 Nays, 0 Absent
All in favor, Motion carried.
CONSENT AGENDA

15. Resolution 16-93-R: Authorization for an Interfund TIF Loan (PC 12/7/16) GS

Atac stated that the TIF 1 would require a loan this year to meet its expenditures that we budgeted. The electric utility would lend us a million and a half dollars. The memo has outlined how the City would repay the loan. Colby stated that the expenditures are occurring right after the first of the year and that is why she came to the Committee now. This is simply a loan and the payback schedule is included. Wolff commented that this is very similar to the General Fund loan that is almost paid off.

Brown asked how can the electric fund be doing well enough were we could loan money to take care of other projects in town when we just recently had to raise our electric rates to cover our expenses. Colby answered that there were revenue bonds that were outstanding that refunded at the end of 2015. Part of the revenue bonds requires us to hold eight million dollars to the side and the money not be expendable funds. Once we refunded the revenue bonds with general obligation bonds that removed the revenue requirements and those funds are expendable now. We did not propose a rate increase after the fund refunding.

Brown stated that he does not feel comfortable with taking money from our electric fund when we do not know the future of our electric utility. Colby stated that we have committed to the expenditures so we could also take it out of the General Fund. Brown agreed that we have committed to the expenditures but we have not committed to the Blue Goose. Brown continued that there is a lot of backlash regarding our electric utility and it does not seem right to use the electric fund money for anything other than electric. Colby stated that it would be repaid and it is simply a balance sheet item. She continued that all of the City's money is in one pot and is accounted for in various funds in the accounting software.

Sylvia Keppel, 1420 Becker Avenue, addressed the Commission. She stated that she shares the same concerns of what if we need that money to cover the electric utility, especially since we are losing two of our biggest electricity users that have announced that they are going to leave this year. What happens when they leave and leave a big whole in our budget. She noted that when the purchasing of properties with TIF 1 was discussed she mentioned that TIF 1 does not have any money. Now the City is borrowing to try to get the money to cover that. She is very disappointed with that. Keppel stated that the document that was online lumps TIF 1 and TIF 3 for the total revenues and expenditures. She stated that the assumptions are that there is always going to be growth and the economy is not going to crash. A lot of this is based on assumptions and you are borrowing based on assumptions and she asked the COW to take that into consideration. She asked the COW to not take from the electric utility fund because that was promised to pay for Prairie State. She urged that the electric funds remain separate.

Colby clarified that this is just an accounting function and has nothing to do with the debt of Prairie State. It is an accounting function on how we could account for the loan but it could be taken from the General Fund if desired by the Committee.

Wolff stated that taking from the electric fund makes the most sense since we have already taken a loan out of the General Fund. He questioned if taking the money out of the General Fund would affect our bond rating as well. Chanzit stated that this is purely an accounting function to get the bill paid.

Motion: To recommend to Council approval of Resolution 16-93-R: Authorization for an Interfund TIF Loan as presented
Maker: Cerone
Second: Wolff
Roll Call Vote: **Aye:** Cerone, McFadden, Russotto, Stark, Chanzit, Wolff, Salvati
Nay: Brown, O'Brien, Callahan, Meitzler, Mueller, Botterman, Atac
7-7 Vote, 0 Absent, Motion tied.

Mayor Schielke voted as a tiebreaker and voted no.

Motion: To recommend to Council approval of Resolution 16-93-R: Authorization for an Interfund TIF Loan taking 1.5 million dollars out of the General Fund in lieu of the electric fund as recommended
Maker: Brown
Second: Botterman

Discussion was held on the motion. Newman pointed out that if we were to take the money out of the General Fund reserves it would effect our days of cash on hand. Colby agreed and stated that it would have some impact on how the bond raters rate us next year, even though they could see it is an inter-fund loan on a balance sheet. Colby stated that she will talk to the financial advisor on what the impact would be. If it were negative than we should consider going to a bank and borrowing the money and paying more interest from the TIF and spread out the bond issue for next year rather than making the cap on qualified bonds. Brown stated that he would be okay with that option politically. He would rather see the TIF pay some interest than take it out of the electric utility. Chanzit stated that this is idle money and it is a left pocket right pocket scenario. There is no risk because we are paying back ourselves and we will always pay back ourselves. He understands the political complications of this but the money is idle in a CD or it is idle paying the best customer in the world, ourselves. We would not default on ourselves. Wolff stated that we could end up costing ourselves more money through the TIF and the General Fund because we are not going to be able to borrow money at the same rate because we do not have the reserves. That does not make any sense and it does no good for the taxpayers.

Roll Call Vote: **Aye:** Brown, O'Brien, Callahan, Meitzler, Mueller, Botterman, Atac
Nay: Cerone, McFadden, Russotto, Stark, Chanzit, Wolff, Salvati
7-7 Vote, 0 Absent, Motion tied.

Mayor Schielke voted as a tiebreaker and voted yes.

Colby noted that there are other funds that have long-term investments, such as the Fire Capital Fund. There are other sources that she could separate the money out. Wolff stated that it is not fair to gut other funds.

16. Resolution 16-96-R: Change order in the amount of \$39,413 to Construction Contract with Pirtano Construction Company, Inc (Robert Rogde 12/8/16) PU

O'Brien explained that this is a change order for directional boring.

Motion: To recommend to Council approval of Resolution 16-96-R: Change order in the amount of \$39,413 to Construction Contract with Pirtano Construction Company, Inc

Maker: Brown

Second: Atac

Voice Vote: 14 Ayes, 0 Nays, 0 Absent
Motion carried.
CONSENT AGENDA

17. Project Status

Newman reported that the One North Washington project was presented and it received unanimous approval from our Historic Preservation Commission (HPC). The HPC noted that they were very impressed with the elevation on the Washington Avenue side. They felt that it would be a fantastic and interesting addition to our downtown area. The HPC commended Shodeen for the way they incorporated some of the elements of the historic buildings that surrounded the area, in particular the Crane Building.

Newman asked for a list of topics that the COW would like to address and discuss in the coming year. She would like to balance those topics throughout the year within the agendas. She asked for those items by the end of the year.

18. Other

O'Brien asked if there were any developments for the Blue Goose. Newman answered that they are meeting once per week and sometimes twice per week. They are very near the term sheet and once that is achieved she will report back to the Committee. She would like to present this as a unified proposal.

19. Executive Session:

a. Purchase or Lease of Property (SB)

Motion: To enter into executive session for the purchase or lease of property

Maker: Cerone

Second: O'Brien

Voice Vote: 14 Ayes, 0 Nays, 0 Absent
Motion carried.

The COW entered executive session at 9:51pm and exited at 10:11pm.

20. Adjournment

There being no other business to discuss, Brown asked for a motion to adjourn the meeting at 10:11pm; Made by O'Brien; Seconded by Mueller. Motion carried.

Minutes respectfully submitted by Jennifer Austin-Smith