



COMMITTEE OF THE WHOLE
*Tuesday, September 7, 2021 immediately following the
City Council Meeting at 7pm*

*City Hall Council Chamber
109 James Street
Geneva, IL 60134*

All employees, elected officials, and visitors are required to wear a face covering at all City facilities regardless of vaccination status. Meetings are livestreamed for those unable to attend in person the ability to contemporaneously hear all discussion, testimony and roll call votes of the open meeting in real time. Public comment may be provided at the appropriate time during the meeting by either attending the meeting in person or by registering at the meeting link below. For more information please see the "[Notice Regarding Meeting and Public Comment Rule Modification](#)".

MEETING LINK:

<https://attendee.gotowebinar.com/register/5586892776556747533>

AGENDA

1. CALL TO ORDER
2. APPROVE COMMITTEE OF THE WHOLE MINUTES FROM AUGUST 16, 2021.
3. ITEMS OF BUSINESS
 - a. Consider Draft Resolution Approving a Payment In Lieu of Parking for The Walrus Room at 415 W. State Street.
 - b. Consider Draft Ordinance Authorizing the Extension of Municipal Water Service to the Property Located at 1N533 Peck Road Without Annexation.
4. NEW BUSINESS/PUBLIC COMMENT
5. CLOSED SESSION ON THE REVIEW OF CERTAIN CLOSED SESSION MINUTES AND APPROVAL OF DESTRUCTION OF CLOSED SESSION AUDIO RECORDINGS SEPTEMBER 2016 THROUGH DECEMBER 2019 PURSUANT TO 5 ILCS 12/2.06(c) AND THE SETTING OF A PRICE FOR SALE OR LEASE OF PROPERTY OWNED BY THE PUBLIC BODY.

COMMITTEE OF THE WHOLE

SEPT. 7, 2021

6. OPEN SESSION TO APPROVE CERTAIN CLOSED SESSION MINUTES AND APPROVAL OF DESTRUCTION OF CLOSED SESSION AUDIO RECORDINGS SEPTEMBER 2016 THROUGH DECEMBER 2019 PURSUANT TO 5 ILCS 12/2.06
7. ADJOURNMENT

COMMITTEE OF THE WHOLE MINUTES

August 16, 2021 immediately following the City Council meeting at 7:00 PM.

All Employees, Elected Officials, and visitors are required to wear a face covering at all City facilities regardless of vaccination status. Meetings are livestreamed for those unable to attend in person the ability to contemporaneously hear all discussion, testimony and roll call votes of the open meeting in real time. Public comment may be provided at the appropriate time during the meeting by either attending the meeting in person or by registering at the meeting link below. For more information, visit:

<https://www.geneva.il.us/DocumentCenter/View/8694/Notice-Regarding-Meeting-And-Public-Comment>

ELECTED OFFICIALS PRESENT	ELECTED OFFICIALS ATTENDING BY TELECONFERENCE	ELECTED OFFICIALS ABSENT	STAFF PRESENT	STAFF ATTENDING BY TELECONFERENCE
Bruno Hruby Kilburg Kosirog Maladra Marks Mayer Swanson Burns (Chair)		Burghart Kaven Godskesen	Dawkins McCready Sandack Van Gyseghem Johnson	

AGENDA

1. CALL TO ORDER

Chair Mayor Burns called the meeting to order at 9:22 PM, noting Ald. Burghart, Kaven were absent, and the remaining 8 aldermen were in attendance in chambers.

2. Approve the Minutes from the August 2, 2021 Committee of the Whole Meeting.

Moved by Ald. Swanson, seconded by Ald. Kosirog to approve the measure as presented.

MOTION CARRIED by voice vote 8/0 with two absent.

3. Items of Business

a. Consider Draft Resolution Authorizing Execution of an Engineering Agreement with Baxter & Woodman Consulting Engineers for a Wastewater Plan Digester Condition Assessment in an Amount Not to Exceed \$27,640.00.

Moved by Ald. Marks, seconded by Ald. Bruno to approve the measure as presented.

MOTION CARRIED by voice vote 8/0 with two absent.

b. Consider Draft Ordinance Authorizing the Extension of Municipal Water Service to the Property Located at 33W929 E. Roosevelt Road Without Annexation.

Moved by Ald. Mayer, seconded by Ald. Hruby to approve the measure as presented.

In response to a question from Ald. Bruno whether connections such as these pay a higher rate, Adm. Dawkins responded that used to be the case, but that was found to be illegal, so these customers pay the same rate as properties within the city.

MOTION CARRIED by voice vote 8/0 with two absent.

c. Consider Draft Resolution Authorizing Acceptance of the 2021 Employee Benefit Plan Renewal Effective November 1, 2021.

Moved by Ald. Kilburg, seconded by Ald. Mayer to approve the measure as presented.

Ald. Swanson asked for clarification of the actions taken that reduced the original cost increase from 18.9 down to 7%. Boomer Whipple from Lundstrom Insurance explained that rates were up largely because claims were up, and also somewhat due to Covid. Lundstrom had approached several carriers for quotes, and this competition helped the city receive rate relief from Blue Cross/Blue Shield. Replacing two HMO plans into one, and having significant numbers of employees enrolled in HMO also helped hold costs down. Swanson expressed concerns about potential future cost increases and Whipple described other tactics the city could use in the future to help keep costs lower.

Roll Call:

AYES: 8 (Ald. Bruno, Hruby, Kilburg, Kosirog, Maladra, Marks, Mayer, Swanson)

ABSENT: 2 (Ald. Burghart, Kaven)

NAYS: 0 MOTION CARRIED

4. New Business and Public Comment

None

6. Adjournment

Moved by Ald. Kosirog to adjourn the Committee of the Whole meeting.

MOTION CARRIED by voice vote 8/0 with two absent.

The meeting adjourned at 9:35 PM

- *Submitted by City Clerk Godskesen*



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item:	Recommend approval of a payment in lieu of required parking for The Walrus Room restaurant located at 415 W. State Street.		
Presenter & Title:	David DeGroot, Director of Community Development		
Date:	September 7, 2021		
Please Check Appropriate Box:			
<input checked="" type="checkbox"/>	Committee of the Whole Meeting	<input type="checkbox"/>	Special Committee of the Whole Meeting
<input type="checkbox"/>	City Council Meeting	<input type="checkbox"/>	Special City Council Meeting
<input type="checkbox"/>	Public Hearing	<input type="checkbox"/>	Other -
Associated Strategic Plan Goal/Objective: N/A			
Estimated Cost: \$	Budgeted?	<input type="checkbox"/> Yes <input type="checkbox"/> No	Other Funding? <input type="checkbox"/> Yes <input type="checkbox"/> No
<i>If "Other Funding," please explain how the item will be funded:</i>			
Executive Summary:			
<p>The Walrus Room restaurant located at 415 W. State Street, would like to construct a permanent outdoor dining area on the north side of the building. The proposed outdoor dining area would require the removal of 3 private off-street parking spaces.</p> <p>The City's adopted parking regulations do not require additional parking spaces to be provided for the proposed outdoor dining area. However, reducing the number of existing private off-street parking spaces is not permitted unless an equivalent amount of parking spaces can be located within 350 feet of the subject property or a payment in lieu of required parking in the amount of \$10,000 per parking space is made to the City. The Walrus Room has been unable to provide 3 parking spaces within 350 feet and is therefore requesting to pay \$30,000 (\$5,000 semi-annually) over the course of the next 3 years. If approved, the payment would be used toward the City's ongoing efforts to construct appropriately located on-street or off-street public parking spaces.</p>			
Attachments: <i>(please list)</i>			
<ul style="list-style-type: none"> • Resolution 2021- • Memorandum of Understanding 			
Voting Requirements:			
<i>This motion requires a simple majority vote for passage.</i>			
<i>The Mayor may vote on three occasions: (a) when the vote of the aldermen or trustees has resulted in a tie; (b) when one half of the aldermen or trustees elected have voted in favor of an ordinance, resolution, or motion even though there is no tie vote; or (c) when a vote greater than a majority of the corporate authorities is required by state statute or local ordinance to adopt an ordinance, resolution, or motion.</i>			
Recommendation / Suggested Action: <i>(how the item should be listed on agenda)</i>			
Recommend approval of a payment in lieu of required parking for The Walrus Room restaurant located at 415 W. State Street.			

RESOLUTION 2021-

**A RESOLUTION APPROVING A PAYMENT IN LIEU OF REQUIRED PARKING
THE WALRUS ROOM RESTAURANT – 415 W. STATE STREET**

WHEREAS, pursuant to Section 11-11A-4 of the Geneva City Code, a petition was filed on the 29th day of June 2021 by Marshall McCarty (hereinafter referred to as “PETITIONER”) with the Community Development Department of the City of Geneva for a payment in lieu of required parking for The Walrus Room restaurant to be located at 415 W. State Street (hereinafter referred to as the “SUBJECT REALTY”); and

WHEREAS, said petition was presented to the Committee of the Whole of the City Council of the City of Geneva on September 7, 2021.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GENEVA, KANE COUNTY, ILLINOIS, as follows:

SECTION 1: PAYMENT IN LIEU OF REQUIRED PARKING

The PETITIONER shall be permitted to eliminate three (3) private off-street parking spaces from the SUBJECT REALTY. The PETITIONER shall pay the City of Geneva a total of thirty thousand dollars (\$30,000.00) in lieu of retaining the required parking. Prior to building permit issuance the PETITIONER shall make a minimum payment of five thousand dollars (\$5,000.00) to the City of Geneva. A second payment in the amount of five thousand dollars (\$5,000.00) shall be made upon issuance of an occupancy permit. Payments of no less than five thousand (\$5,000.00) shall be due to the City of Geneva every six (6) months from the date of occupancy until the total payment of thirty thousand dollars (\$30,000.00) is collected.

SECTION 2: CONVEYANCES

Nothing contained in this Resolution shall be construed to restrict or limit the right of the PETITIONER to sell or convey all or any portion of the SUBJECT REALTY, whether improved or unimproved, and to transfer or assign any or all of their respective rights and duties under this Resolution, provided such sale, conveyance, transfer and assignment is subject to the provisions of this Resolution.

SECTION 3: PREAMBLES AND EXHIBITS

The preambles set forth at the beginning of this Resolution are incorporated herein by this reference and shall constitute substantive provisions of this Resolution.

SECTION 4: EFFECTIVE DATE

That this Resolution shall become effective from and after its passage and approval in accordance with law.

PASSED by the City Council of the City of Geneva, Kane County, Illinois, this ____ day of _____, 2021.

AYES: __ NAYS: __ ABSENT: __ ABSTAINING: __ HOLDING OFFICE: __

Approved by me as Mayor of the City of Geneva, Kane County, Illinois this ____ day of _____, 2021.

Mayor

ATTEST:

City Clerk

September 7, 2021

Marshall McCarty
The Walrus Room
415 W. State St
Geneva, Illinois 60134

MEMORANDUM OF UNDERSTANDING

Re: PAYMENT IN LIEU OF PROVIDING REQUIRED PARKING SPACES

Marshall McCarty, as Petitioner, pursuant to Section 11-11A-4 of the Geneva City Code, has petitioned the Community Development Department of the City for a payment in lieu of three (3) required parking spaces for the real property located at 415 W. State Street (“Subject Realty”) in order to construct a patio area which will be a part of the restaurant establishment known as The Walrus Room. As of this date, the City Council of the City has adopted a Resolution (hereafter referred to as “Resolution 2021-___”), which states:

“The Petitioner shall be permitted to eliminate three (3) private off-street parking spaces from the Subject Realty. The Petitioner shall pay the City of Geneva a total of thirty thousand dollars (\$30,000.00) in lieu of retaining the required parking. Prior to building permit issuance, the Petitioner shall make a minimum payment of Five thousand dollars (\$5,000.00) to the City of Geneva. A second payment in the amount of five thousand dollars (\$5,000.00) shall be made upon issuance of an occupancy permit. Payments of no less than five thousand dollars (\$5,000.00) shall be due to the City of Geneva every six (6) months from the date of occupancy until the total payment of thirty thousand dollars (\$30,000.00) is collected.”

In consideration of the adoption of Resolution 2021-??, Petitioner, Marshall McCarty, acknowledges the conditions and terms of Resolution 2021-?? and agrees to abide by and be bound by the terms and conditions set forth in this Memorandum of Understanding.

CITY OF GENEVA, ILLINOIS

Marshall McCarty
The Walrus Room
415 W. State Street
Geneva, IL 60134

By: _____

By: _____

City Administrator

Marshall McCarty



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item:	Review and consideration of a request to furnish municipal water service to a residential property outside of the corporate limits of the city without requiring annexation – 1N533 Peck Road		
Presenter & Title:	Rich Babica, Director of Public Works David DeGroot, Director of Community Development		
Date:	September 7, 2021		
<i>Please Check Appropriate Box:</i>			
<input checked="" type="checkbox"/>	Committee of the Whole Meeting	<input type="checkbox"/>	Special Committee of the Whole Meeting
<input type="checkbox"/>	City Council Meeting	<input type="checkbox"/>	Special City Council Meeting
<input type="checkbox"/>	Public Hearing	<input type="checkbox"/>	Other -
Associated Strategic Plan Goal/Objective: NA			
Estimated Cost: \$ NA		Budgeted? <input type="checkbox"/> Yes <input type="checkbox"/> No	Other Funding? <input type="checkbox"/> Yes <input type="checkbox"/> No
<i>If "Other Funding," please explain how the item will be funded:</i>			
Executive Summary:			
The property located at 1N533 Peck Road is not located within the corporate limits of the City of Geneva. 65 ILCS 5/11-149-1 provides that the corporate authorities of a municipality may provide the extension and maintenance of water mains outside the corporate limits. Such service shall not be extended, however, unless a majority of the owners of record of the real property petition the corporate authorities for service. The property is owned by Anton & Mary Purkart, who have requested to connect to the City of Geneva's municipal water service without annexation.			
Attachments: <i>(please list)</i>			
<ul style="list-style-type: none"> • Ordinance • Letter Requesting Water Connection 			
Voting Requirements:			
<i>This motion requires a majority vote of the corporate authorities.</i>			
<i>The Mayor may vote on three occasions: (a) when the vote of the aldermen or trustees has resulted in a tie; (b) when one half of the aldermen or trustees elected have voted in favor of an ordinance, resolution, or motion even though there is no tie vote; or (c) when a vote greater than a majority of the corporate authorities is required by state statute or local ordinance to adopt an ordinance, resolution, or motion.</i>			
Recommendation / Suggested Action: <i>(how the item should be listed on agenda)</i>			
Recommend approval of Ordinance authorizing the extension of municipal water service to the property located at 1N533 Peck Road without annexation.			

ORDINANCE 2021-

AN ORDINANCE AUTHORIZING THE EXTENSION OF MUNICIPAL WATER SERVICE TO A RESIDENTIAL PROPERTY OUTSIDE OF THE CORPORATE LIMITS OF THE CITY WITHOUT ANNEXATION

1N533 PECK ROAD

WHEREAS, 65 ILCS 5/11-149-1 provides that the corporate authorities of a municipality may provide the extension and maintenance of water mains outside the corporate limits upon petition by a majority of the owners of record of the real property; and

WHEREAS, the property located at 1N533 Peck Road, Geneva, Illinois (P.I.N. 12-05-100-004), hereinafter referred to as the "SUBJECT REALTY", is not located within the corporate limits of the City of Geneva; and

WHEREAS, the owners of the SUBJECT REALTY, Anton and Mary Purkart, hereinafter referred to as "OWNERS", have submitted a written request to connect to the City of Geneva's municipal water service; and

WHEREAS, at its meeting on September 7, 2021, the Committee-of-the-Whole of the City Council of the City of Geneva recommended that water service be extended to the SUBJECT REALTY without annexation; and

WHEREAS, the City Council of the City of Geneva considered the recommendation of the Committee-of-the-Whole on September 20, 2021; and

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GENEVA, KANE COUNTY, ILLINOIS, as follows:

SECTION 1: AUTHORIZING THE EXTENSION OF MUNICIPAL WATER SERVICE TO A RESIDENTIAL PROPERTY OUTSIDE OF THE CORPORATE LIMITS OF THE CITY WITHOUT REQUIRING ANNEXATION

In accordance with Chapter 3 (Water and Sewers) of Title 9 (Municipal Utilities) of the Geneva Municipal Code, the City of Geneva's municipal water service may be furnished to the SUBJECT REALTY without being required to annex to the City.

SECTION 2: PREAMBLES AND EXHIBITS

The preambles set forth at the beginning of this Ordinance, and the exhibits attached hereto, are incorporated herein by this reference and shall constitute substantive provisions of this Resolution.

SECTION 3: EFFECTIVE DATE

That this Ordinance shall become effective from and after its passage and approval in accordance with law.

PASSED by the City Council of the City of Geneva, Kane County, Illinois, this 20th day of September 2021.

AYES: _____ **NAYS:** _____ **ABSTAINING:** _____ **HOLDING OFFICE:** _____

Approved by me as Mayor of the City of Geneva, Kane County, Illinois, this _____ day of _____, 2021.

Mayor

ATTEST:

City Clerk

August 26, 2021

David DeGroot / City of Geneva Public Works,

We are requesting to have our property at 1N533 Peck Rd., Geneva, Illinois to be able to access the City of Geneva's water supply. Our current well is now barely functioning and the water is so full of sediment that we fear it is/will become a health issue. We are not requesting annexation into the City of Geneva nor do we want access to the sanitation system...simply a healthy and reliable water supply. A B-box already exists at this location.

Our son and daughter have already researched excavation, connectivity, well-capping and City costs. As well, they have been in contact with Rich Babica and Franco Bottalico who have been great resources in helping them understand the logistical portion of this project.

We also request that our son - Anton "Tony" Purkart - serve as proxy. He can be reached at 773-203-0612 and lives at 8 S. Andover Lane, Geneva, Illinois.

Thank you for your consideration,

Anton Purkart

Mary Purkart

Anton & Mary Purkart
1N 533 Peck Rd.
Geneva, Illinois 60134
630-457-5152