



Public Comment

**City Council/COW
Meeting**

March 1, 2021

From: [Rod Nelson](#)
To: [Public Comment](#)
Subject: Public Comment for the 1 March 2021 Meeting of Geneva COW/Council
Date: Sunday, February 28, 2021 6:21:00 AM

Dear Neighbors and members of the Geneva City Council:

In re: Emma's Landing

Below are the beginning paragraphs of the Illinois LLC Act and the current (20 July 2020) State of Illinois Cyberdrive entry for Door Creek Construction of Illinois LLC, the prospective builder of Emma's Landing LIHTC low-income housing project. I call your attention to the details concerning members and managers.

The only signature I find in the IHDA (Illinois Housing Development Authority) QAP application concerning the General Contractor (a "participant" in the Emma's Landing IHDA application) is that of "Kevin Kadlec, member" of Door Creek LLC. Bryan Fellhauer has been described in the testimony before the PZB as "an employee who gets a paycheck." In some documents, Mr. Fellhauer is described as a "Project Manager." On the BBB website he is listed as President. But he is, at least, an executive of Door Creek Construction LLC. He is one of three managers. He was not fully, accurately, or truthfully described before the PZB.

Now an LLC "manager" does not have to be also a "member" (ie., owner) of the LLC. Mr. Kadlec is a manager who signed a IHDA QAP document as a "member". Thus he must be both a manager and an owner. By law, "Each manager has equal rights in the management and conduct of the company's business" such as establishing the managers' salary and benefits.

Before voting on the Emma's Landing Ordinance you have a duty to the citizens of Geneva to shine a powerful light on this byzantine arrangement. For example, for purposes of identification as a "participant" in the IHDA process (under section 42) must an executive of the General Contractor be so designated? Is Mr. Fellhauer, like Mr. Kadlec, both an executive and a member/owner of the LLC? If IHDA says that Mr. Fellhauer is not a "participant" would the HUD IG and other State and Federal agencies/officers agree? What say the citizens of Geneva about all this - does this process have the appearance (or even a faint resemblance) of fairness and transparency? Does it pass the smell test?

We know Mr. Fellhauer (the builder and schoolmate of Mayor Burns' whose daughter is named Emma) and Ms. Manning (the only employee of the Burton Foundation, the developer) have some "identity of interest" at least. Apparently, they remain married. They will also receive north of \$2,000,000 through this deal.

Once again I beseech you to table this can of worms until Geneva can return to the constitutional rule of law in Illinois. Please do not pass this during the dark of night of a pandemic.

Best,

Rodney Nelson, M.D.
23 Kane Street
Geneva, Illinois 60134

BUSINESS ORGANIZATIONS
(805 ILC Limited Liability Company Act.
(805 ILCS 180/15-1)

Sec. 15-1. Management of limited liability company.

(a) A limited liability company is a member-managed limited liability company unless the operating agreement:

(1) expressly provides that:

- (A) the company is or will be manager-managed;
- (B) the company is or will be managed by managers; or
- (C) management of the company is or will be vested in managers; or

(2) includes words of similar import.

(b) In a member-managed company:

- (1) each member has equal rights in the management and conduct of the company's business; and
- (2) except as otherwise provided in subsection (d) of this Section, any matter relating to the business of the company may be decided by a majority of the members.

(c) In a manager-managed company:

- (1) each manager has equal rights in the management and conduct of the company's business;
- (2) except as otherwise provided in subsection (d) of this Section, any matter relating to the business of the company may be exclusively decided by the manager or, if there is more than one manager, by a majority of the managers; and

(3) a manager:

- (A) must be designated, appointed, elected, removed, or replaced by a vote, approval, or consent of a majority of the members; and
- (B) holds office until a successor has been elected and qualified, unless the manager sooner resigns or is removed.

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Corporation/LLC Search/Certificate of Good Standing

LLC File Detail Report

File Number	03378691
Entity Name	DOOR CREEK CONSTRUCTION OF ILLINOIS, LLC
Status	ACTIVE

Entity Information	
Principal Office	2205 KIMBERLY RD BETTENDORF, IA 527220000
Entity Type	LLC
Type of LLC	Domestic
Organization/Admission Date	Tuesday, 14 September 2010
Jurisdiction	IL
Duration	PERPETUAL

Agent Information	
Name	MATHEW M KEEGAN
Address	226 W RIVER STREET PO BOX 404 DIXON, IL 61021
Change Date	Wednesday, 10 September 2014

Annual Report	
For Year	2020
Filing Date	Tuesday, 21 July 2020

Managers	
Name	KADLEC, KEVIN
Address	2205 KIMBERLY ROAD BETTENDORF, IA 527220000
Name	STOMBAUGH, TAMI
Address	2205 KIMBERLY RD BETTENDORF, IA 527220000
Name	FELLHAUER, BRYAN
Address	40W050 STARBRIDGE WAY ELGIN, IL 601240000

Assumed Name	
ACTIVE	DOOR CREEK CONSTRUCTION

Series Name	
NOT AUTHORIZED TO ESTABLISH SERIES	