

CITY OF GENEVA COUNCIL MEETING

April 18, 2022

CALL TO ORDER

The Geneva City Council meeting was called to order by Mayor Kevin Burns at 7:00 p.m.

Elected Officials present:

Alderspersons: Mike Bruno, Tara Burghart, Becky Hrubby, Gabriel Kaven, Dean Kilburg, Brad Kosirog, Craig Maladra, Amy Mayer, Robert Swanson.

Mayor Kevin Burns, City Clerk Roger Godskesen

Elected Officials attending by video or teleconference: Richard Marks

Elected officials absent:

Others Present: City Administrator Stephanie Dawkins, Assistant City Administrator Ben McCready, City Atty. Ron Sandack, Public Works Director Rich Babica, Electrical Superintendent Van Gyseghem, Economic Development Director Kathleen Tymoszenko

Others attending by video or teleconference: City Planner Chayton True,

Pledge of allegiance led by Roger Godskesen

3. PUBLIC HEARINGS, SPECIAL ITEMS AND PRESENTATIONS

a. Consider Approval of Ordinance No. 2022-16 Adding One Class C-3 Liquor License for The Royal Wren located at 11 S. 3rd Street.

Moved by Ald. Bruno, seconded by Ald. Swanson.

Roll Call:

AYES: 10 (Ald. Bruno, Burghart, Hrubby, Kaven, Kilburg, Kosirog, Maladra, Marks, Mayer, Swanson)

ABSENT: 0

NAYS: 0 MOTION CARRIED

b. Consider Approval of Special Event Application from The Geneva Chamber of Commerce for 2022 Geneva Classic Car Shows with a Requests for City Services at No Cost to the Applicant.

Moved by Ald. Bruno, seconded by Ald. Kilburg.

Ald. Mayer asked whether such services as port-o-lets were provided by the city. Adm. Dawkins answered that such items were provided by the Chamber of Commerce, and that only city services such as electric and police were provided by the city.

There being no further comments or questions:

MOTION CARRIED by unanimous voice vote 10/0.

c. Public Hearing on the Establishment of Special Service Area No. 34

Moved by Ald. Kosirog, seconded by Ald. Mayer to open the public hearing.

Adm. Dawkins noted that testimony had been received from Dr. Rod Nelson and would be included as part of the minutes. (See attached EXHIBITS A, B and C)

MOTION CARRIED to open the public hearing by unanimous voice vote 10/0.

There being no comments or questions either in chambers or via online:

Moved by Ald. Bruno, seconded by Ald. Burghart to close the public hearing.

MOTION CARRIED by unanimous voice vote 10/0.

d. Public Hearing on an Annexation Agreement by and Between the City of Geneva and HIP VI Enterprises, LLC c/o Hillwood.

Moved by Ald. Swanson, seconded by Ald. Kosirog to open the public hearing.

MOTION CARRIED by unanimous voice vote 10/0.

Hendrick Leight of 674 Green Meadow Lane appreciated the transparency and consistency of the planning process, felt the applicant took the residents nearby into consideration, and added that he thought it was a good project for the community and asked that the council support it.

David Wallendziak of 578 Lexington Drive noted he also liked the transparency the builder put forth and that it looks like they can be a very good neighbor to Geneva. His only suggestion was that the berm along the property be raised to six feet in height, and suggested evergreen trees, rather than deciduous trees be planted, both suggestions to help block the view of vehicles year-round.

Don Schoenheider, representing the Hillwood company, gave a power-point presentation which highlighted the background of the company, the goal to work closely with the city, an overview of the project including the plan to develop it in two phases and commented on potential clients and sustainability that would be included in the design.

There being no further comments or questions:

Moved by Ald. Maladra, seconded by Ald. Kosirog to close the public hearing.

MOTION CARRIED by unanimous voice vote 10/0.

4. AMENDMENTS TO AGENDA

None

5. OMNIBUS AGENDA

All Items listed on the Omnibus Agenda are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a council member so requests in which event the item will be removed from the Omnibus (Consent) Agenda and considered in its normal sequence on the agenda.

Moved by Ald. Swanson, seconded by Ald. Bruno to approve the agenda as presented.

Roll Call:

AYES: 10 (Ald. Bruno, Burghart, Hruby, Kaven, Kilburg, Kosirog, Maladra, Marks, Mayer, Swanson)

ABSENT: 0

NAYS: 0 MOTION CARRIED

***6. Approve Regular City Council Minutes from April 4, 2022. (Clerk Recommends Approval)**

Moved by Ald. Swanson, seconded by Ald. Bruno to approve the measure as presented.
Approved by unanimous roll call vote 10/0. (Omnibus Agenda). MOTION CARRIED

***7. APPROVE REPORTS**

a. Tax Revenue Report

Moved by Ald. Swanson, seconded by Ald. Bruno to approve the measure as presented.
Approved by unanimous roll call vote 10/0. (Omnibus Agenda). MOTION CARRIED

8. COUNCIL COMMITTEES

None

9. OTHER ITEMS AND CORRESPONDENCE

None

10. MUNICIPAL BILLS FOR PAYMENT

City of Geneva Expenditures - 4/18/2022 \$ 3,119,520.55
Manual Check(s) –
Utility Billing Refund(s) 425.47
Misc. Refund(s) 450.00
Sales Tax Abatement –
City of Geneva Payroll 728,019.99
Tri-Com Expenditures - 4/18/22 40,765.99
Tri-Com Payroll 123,305.78

Total Expenditures \$ 4,012,487.78

Moved by Ald. Bruno, seconded by Ald. Burghart to approve the bills as presented.

Roll Call:

AYES: 10 (Ald. Bruno, Burghart, Hruby, Kaven, Kilburg, Kosirog, Maladra, Marks, Mayer, Swanson)

ABSENT: 0

NAYS: 0 MOTION CARRIED

11. COMMITTEE OF THE WHOLE ITEMS OF BUSINESS

***a. Consider Approval of a Certificate of Completion for Fritz Lane Subdivision.**

Moved by Ald. Swanson, seconded by Ald. Bruno to approve the measure as presented.
Approved by unanimous roll call vote 10/0. (Omnibus Agenda). MOTION CARRIED

***b. Approve Resolution No. 2022-31 for Pre-Approval of a Purchase of General Fund Vehicles Up to the Budgeted Amount Through State Bid, Sourcewell, or West Suburban Co-Op Contracts.**

Moved by Ald. Swanson, seconded by Ald. Bruno to approve the measure as presented.
Approved by unanimous roll call vote 10/0. (Omnibus Agenda). MOTION CARRIED

***c. Approve Resolution No. 2022-32 Authorizing Execution of a Sanitary Sewer Pipeline Crossing Agreement with Union Pacific Railroad.**

Moved by Ald. Swanson, seconded by Ald. Bruno to approve the measure as presented.
Approved by unanimous roll call vote 10/0. (Omnibus Agenda). MOTION CARRIED

***d. Approve Resolution No. 2022-33 Authorizing the Execution of an Intergovernmental Agreement Between the City of Geneva and the Illinois Department of Transportation for the Maintenance and Energy Costs for Traffic Control Devices on State Highways Within the City of Geneva.**

Moved by Ald. Swanson, seconded by Ald. Bruno to approve the measure as presented.
Approved by unanimous roll call vote 10/0. (Omnibus Agenda). MOTION CARRIED

***e. Approve Resolution No. 2022-34 Authorizing Acceptance of a Proposal to Bind Coverage for Property, Inland Marine, General Liability, Automobile, Employment Practices, Law Enforcement, Public Officials', Crime, Cyber, Excess Liability, and Workers' Compensation Insurance Coverage Effective May 1, 2022 at a Total Cost of \$668,398.00.**

Moved by Ald. Swanson, seconded by Ald. Bruno to approve the measure as presented.
Approved by unanimous roll call vote 10/0. (Omnibus Agenda). MOTION CARRIED

12. PRESENTATION OF ORDINANCES, RESOLUTIONS, PETITIONS, BIDS

a. Consider Approval of Ordinance No. 2022-17 Authorizing the Execution of an Annexation Agreement by and Between the City of Geneva and HIP VI Enterprises, LLC c/o Hillwood.

Moved by Ald. Bruno, seconded by Ald. Kaven to approve the item as presented.

There being no comments or questions:

Roll Call:

AYES: 11 (Bruno, Burghart, Hruby, Kaven, Kilburg, Kosirog, Maladra, Marks, Mayer, Swanson, Burns)

ABSENT: 0

NAYS: 0 MOTION CARRIED

b. Consider Approval of Ordinance No. 2022-18 Annexing Certain Territory (Parcel No. 12- 01-200-001) to the City of Geneva.

Moved by Ald. Mayer, seconded by Ald. Kosirog to approve the item as presented.

There being no comments or questions:

Roll Call:

AYES: 11 (Bruno, Burghart, Hruby, Kaven, Kilburg, Kosirog, Maladra, Marks, Mayer, Swanson, Burns)

ABSENT: 0

NAYS: 0 MOTION CARRIED

c. Consider Approval of Ordinance No. 2022-19 Granting a Zoning Map Amendment to Rezone Parcel No. 12-01-200-001 from the RR Rural Single Family Residential to I1 Light Industrial District Upon Annexation.

Moved by Ald. Bruno, seconded by Ald. Maladra to approve the item as presented.

There being no comments or questions:

Roll Call:

AYES: 10 (Ald. Bruno, Burghart, Hrubby, Kaven, Kilburg, Kosirog, Maladra, Marks, Mayer, Swanson)

ABSENT: 0

NAYS: 0 MOTION CARRIED

d. Consider Approval of Ordinance No. 2022-20 Granting a Preliminary Plat of Planned Unit Development and Subdivision for the Development of a 75.23-Acre Light Industrial Development.

Moved by Ald. Kilburg, seconded by Ald. Kaven to approve the item as presented.

Ald. Kilburg, in light of tornado damage to a warehouse in southern Illinois, asked about plans to provide storm protection for employees in the planned warehouses in this development and what the developer could do regarding this matter.

Don Schoenheider, representing the Hillwood company, responded that their buildings are designed to withstand high winds and weather, but the safety of employees is typically controlled by the tenants of the buildings based on their business needs. He added that his company was happy to work with clients and that attention would be paid going forward to the issue.

Ald. Kilburg also asked about Geneva Drive and a possible extension to it. Schoenheider responded that traffic studies with the city indicated that an extension was not needed. He added their desire to clean up the street regarding enforcement of parked and idling trucks, which had been discussed in consultation with the Police Department.

Kilburg asked about annexation of land West of Geneva Drive in it were extended to Kirk Road. Mayor Burns confirmed that any construction that might take place to the west would require annexation of land.

Ald. Hrubby asked about plans for sustainability, included charging stations for electric vehicles, and whether water permeable parking would be included. Schoenheider responded that power lines for charging stations were included in the plans, although the actual stations would not be installed until the demand from tenants was known. He also responded that permeable parking lots are very hard and expensive to maintain, however the project plan does include storm water management by other methods.

Ald. Bruno asked for clarification that safety demands would be driven by the needs of individual tenants. Schoenheider responded that this was correct, and that safety needs are also driven by city codes, such as fire protection.

Ald. Mayer asked what might happen if this development does not happen, and whether requirements for sustainability could be put into the PUD to ensure that a potential different developer who might purchase the land would have to include sustainability. City Planner Chayton True, speaking remotely, noted that unless those requirements were included in the PUD, they would not transfer to another owner. Mayer asked whether the applicant would be willing to put such requirements into the PUD, and Schoenheider responded that they would be happy to do so.

Ald. Kosirog asked about Geneva Drive and whether Lineage was prepared to address parking issues with their trucks. Development Director Tymoszenko responded that Lineage is aware that parking will be enforced as posted by signs, that they have done some clean up of trash, and they are evaluating several options regarding parking, such as moving some trucks to other locations.

Kosirog also asked whether consideration of widening Geneva Drive had been considered. Tymoszenko and City Planner True responded that a traffic study previously conducted did not indicate a need for such a change.

There being no further comments or questions:

Roll Call:

AYES: 10 (Ald. Bruno, Burghart, Hrubby, Kaven, Kilburg, Kosirog, Maladra, Marks, Mayer, Swanson)

ABSENT: 0

NAYS: 0 MOTION CARRIED

13. NEW BUSINESS AND PUBLIC COMMENT

There being no comments or questions raised in chambers or online, Mayor Burns invited City Clerk Roger Godskesen to make an announcement. Afterward, Burns asked that Mr. Godskesens' comments be entered into the records.

Roger Godskesen comments follow:

It is with deep regret I notified the mayor that I am stepping down as City Clerk, effective toward the end of the month.

I reflected on what to say and I thought about what this experience meant to me, and it all boiled down to how much I really appreciate and love history.

When my wife and I discovered Geneva, we brought our kids here for the day. We ate burgers at Stockholm's, tried to keep the kids from spending too much money in the gift shops, explored the town and decided that we wanted to live here someday. We bought a house and moved here in 2006. We didn't know until we moved in and started ripping out a wall that it was a Sears catalog house that had been delivered here by railroad in 1937. Later we took a historic walking tour of our East Side neighborhood, and our house was the first stop. That was when we started to understand that we truly do live in a historic place.

When I retired and the opportunity came for me to give back to the city we loved so much, I took this job which I was told basically required me to sit quietly, listen carefully to what everyone else said, but keep my opinions to myself. My best friend said "that doesn't sound like you at all. Are you sure about this?". He was right, but it did give me a different perspective.

Sitting up here on the dais, at every meeting I never failed to look at the photos on the back wall where all of the mayors since the beginning in 1867 seem to watch over us, as we continued to make history.

I saw how much dedication, sacrifice, time and commitment our neighbors who choose to become elected officials give willingly to care for our city. I expected there would be disagreements and differences of opinion, but I also witnessed integrity, respect, good will and a healthy amount of laughter and good humor as well.

When my mother was born in 1911, her mother did not have the right to vote because she was a woman. When I started this job in 2017, I saw that nearly a third of the city council seats were held by women. I don't know if that ever happened before, but it felt historic to me.

I got to be in this room when, after a difficult months-long debate, our elected officials overwhelmingly made the decision to make affordable housing in our city more accessible, and I heard their collective voices say "You are welcome here".

I watched our mayor welcome and speak with every young person who came before us every night, and to help make that a special day in their lives.

I got to be part of a nearly 6-hour meeting that started on Monday, and ended on Tuesday, because that's how long it took to fully deliberate a certain issue. It also took coffee.

We have all witnessed a once in a lifetime, hopefully, pandemic, where technology was used to conduct the city's business in a way that those Mayors on the back wall could not even have conceived of.

I was here for a meeting during the pandemic when this room was filled to capacity with people who came to make their voices heard. That's not unusual in Geneva. But every single person here that night wore a mask because that's what was respectful and that's what was needed to help end the pandemic. That made me proud to say I live here.

The job of City Clerk of Geneva began some 150 years ago. I am honored and grateful to have had the opportunity to carry that role on for five more. Thank you.

14. ADJOURNMENT

There being no further business, moved by Ald. Kosirog to adjourn the Geneva City Council meeting.

MOTION CARRIED by unanimous voice vote 10/0.

The meeting adjourned at 7:47 PM.

Roger Godskesen
City Clerk

EXHIBIT A

Rod Nelson <rbn3@aol.com>

Fri 4/15/2022 5:51 AM

To:

Godskesen, Roger;

Fornari, Jeanne

Cc:

Hruby, Becky;

Maladra, Craig;

Kilburg, Dean;

Mayer, Amy;

Kaven, Gabriel;

Bruno, Mike;

rkosirog@geneva.il.us;

Marks, Richard;

Swanson, Robert;

Burghart, Tara;

Dawkins, Stephanie;

DeGroot, David

Emma's special Use Ordinance SSA 34.pdf⁵ MB

2 attachments (5 MB) [Download all](#)

EXTERNAL EMAIL - USE CAUTION

To: City Clerk, City of Geneva

re: Public Comment for April 18, 2022 City Council Meeting opposing THE ESTABLISHMENT OF SPECIAL SERVICE AREA, NUMBER 34, EMMA'S LANDING, KANE COUNTY, ILLINOIS

I have two primary objections to the above-captioned SSA 34

1) The Final Plat of Planned Unit Development Attached to the SSA 34 Ordinance is fraudulent. I can find no records that indicate that ownership of the PUD parcel in question (12-08-200-073 ever passed from "Joy Nelson" to "ELA, LLC." SSA 34 may be unenforceable or at least challenged due to this fraudulent discrepancy.

2) The Ordinance for SSA 34 contains this:

"C. A special tax will be considered at the public hearing to be levied in the event of the aforesaid failure to repair, maintain or renew the stormwater facility for an indefinite period and not to exceed .75 percent per annum of assessed value, as equalized, to be levied against the real property included in the Special Service Area.

Said taxes are to be in addition to all other taxes permitted by law."

What is missing from paragraph "C" is an identification of the statute under which "assessed value, as equalized" must be determined by Mr. Fritz, the Township Assessor. No tax bill has yet been prepared for 12-08-200-073. In fact, that parcel number no longer exists in the Assessor's database. The PUD is now at least two tax parcels, the largest being depicted in the attached snippet of the current assessor's map.

If the intent of SSA 34 is to protect nearby property owners from flooding and all other City of Geneva taxpayers from liability, some identifiable and measurable dollar value must flow from the parcels' tax bill.

SSA 34 as it is presented is ambiguous, out of date, fraudulent, and riddled with errors.

Rodney Nelson, M.D., F.A.C.P., former Major USAF
23 Kane Street
Geneva, Illinois 60134

EXHIBIT B

Addendum to Public Comment April 18th, 2022, SSA 34

Rod Nelson <rbn3@aol.com>

Reply all

Fri 4/15/2022 7:41 AM

To:

Godskesen, Roger;

Fornari, Jeanne

Cc:

Hruby, Becky;

Maladra, Craig;

Kilburg, Dean;

Mayer, Amy;

Kaven, Gabriel;

Bruno, Mike;

Kosirog, Brad;

Marks, Richard;

Swanson, Robert;

Burghart, Tara

sale City of Geneva to Burton recorded 09032021.pdf⁵⁷⁷ KB Emma's Tax PUD LT 14.pdf¹ MB

2 attachments (2 MB) Download all

EXTERNAL EMAIL - USE CAUTION

Attached please find two additional documents submitted as addendums to my prior submission.

These documents support my contention that the land incorporated in SSA 34 for the PUD of Emma's Landing passed directly from City of Geneva to Burton Foundation without ever passing through ownership by Joy Nelson, as fraudulently represented in the SSA 34 proposed ordinance. Also demonstrated is that parcel 12-08-225-002 (not listed in SSA 34) is currently identified by the Geneva Tax Assessor as tax-exempt. This renders the proposed SSA ordinance moot.

The Ordinance authorizing SSA 34 should be tabled pending resolution of the several inconsistencies in the public records.

Rod Nelson

EXHIBIT C

Additional Comment for April 18 Hearing on SSA 34: the March 2022 WBK Geneva Flood Study

Rod Nelson <rnb3@aol.com>

Reply all

Sat 4/16/2022 5:40 AM

To:

Godskesen, Roger;

Fornari, Jeanne

Cc:

Hruby, Becky;

Maladra, Craig;

Kilburg, Dean;

Mayer, Amy;

Kaven, Gabriel;

Bruno, Mike;

Kosirog, Brad;

Marks, Richard;

Swanson, Robert

Inbox

You replied on 4/16/2022 7:17 AM.



WBK March 2022 printout.pdf6 MB

Show all 2 attachments (7 MB) Download all

Action Items

EXTERNAL EMAIL - USE CAUTION

[PowerPoint Presentation \(illinoisfloods.org\)](http://illinoisfloods.org)

Less than a month ago, the attached map of the Sterling Manor area was made available to the public. I call your attention to the red **X** (added by me) and the red circle (added by me) around the caption **"North of UPRR Undetained."** The report also contains a photo of the May 2020 overflowed detention area at Fargo near the Fire Station. Residents of Sterling Manor have provided to you photos of the flooding near the Emma's Landing Site, also from the May 2020 rain event. You will note that the area just north of the UPRR is a triple water whammy: The area is nearly completely impervious due to gravel parking lots and is "undetained". The third whammy is the fact that the gravel parking lots have been used to store cars and trucks, presenting ground and surface run-off water contamination risk.

The only rate-limiting flood defense for Sterling Manor from the north is the size of the pipe that drains under the tracks and discharges at the red X. When the third track is added this pipe must be extended, plus the third track will add to the area of impervious and undetained land. All this water must be both retained and detained in heavy rain events by the small retention pond next to Emma's Landing. What is the UPRR plan for the pipe? Will a larger pipe be installed? How much, if any, detention was provided by the current pipe in May 2020? Go see for yourselves the depth of erosion from the pipe to the retention pond.

Using the Water's Edge tax bill as a model, the proposed SSA 34 Ordinance may generate as little as about \$7500/yr. Particularly with rising interest rates this sum will not fund a large bond issue. Imagine a June 1996 rain, or even a May 2020 recurrence with the high ground of Emma's Landing mostly now impervious.

The SSA 34 Ordinance proposal demands further study and should be tabled to correct obvious frauds, errors, and omissions and to consider the current known conditions, including how much revenue the Ordinance might generate.

Please see the above link and the attached map.

Rodney Nelson
23 Kane
Geneva, IL 60134