

CITY OF GENEVA COUNCIL MEETING

April 19, 2021

In adherence to Gov. Pritzker’s Executive Order 2021-01 and 2021-03 (updated mitigation tiers and phases) limiting meeting gatherings to the lesser of 50 people or 50% of overall room capacity and the requirement to wear a face covering in public places; attendance at public meetings may be limited or restricted. City of Geneva meetings are now a combination of live and virtual. In addition, meetings are livestreamed for the public to provide the ability to contemporaneously hear all discussion, testimony and roll call votes of the open meeting in real time. Please visit the City website for details on how to watch the meeting live. While the public may be limited or restricted from attending meetings in person, individuals wishing to provide public comment may do so in advance (recommended) or during the meeting by sending an email to: publiccomment@geneva.il.us.

For more information, please see the “Notice Regarding Meeting and Public Comment Rule Modification Due to COVID-19 <https://www.geneva.il.us/DocumentCenter/View/8694/Notice-Regarding-Meeting-And-Public-Comment>

In addition, individuals unable to attend in person (due to gathering restrictions) may be recognized during the meeting (audio only) by accessing the meeting via the link below

<https://attendee.gotowebinar.com/register/681737205957363983>

CALL TO ORDER

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

Aldermen present: Mike Bruno, Tara Burghart, Becky Hruby, Gabriel Kaven, Craig Maladra, Richard Marks, Robert Swanson, Dean Kilburg, Brad Kosirog,

Clerk attending by video or teleconference: Roger Godskesen.

Aldermen absent: Jeanne McGowan

Staff Present: City Administrator Stephanie Dawkins, Assistant City Administrator Ben McCready, City Atty. Ron Sandack

Staff attending by video or teleconference: Director David DeGroot, Director Rich Babic, Superintendent Bob Van Gyseghem, H/R Generalist Mera Johnson

PLEDGE OF ALLEGIANCE

Led by Becky Hruby

PUBLIC HEARINGS, SPECIAL ITEMS AND PRESENTATIONS

a. Presentation of “Plant Trees for Communities” Proclamation

Moved by Ald. Marks, seconded by Ald. Bruno to so proclaim:

Roll Call:

AYES: 9 (Ald. Bruno, Burghart, Hruby, Kaven, Kilburg, Kosirog, Maladra, Marks, Swanson)

ABSENT: 1 (McGowan)

NAYS: 0 MOTION CARRIED

AMENDMENTS TO AGENDA

Ald. Burghart requested that item 11.j be removed from the consent agenda for separate discussion.

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

Roll Call:

AYES: 9 (Ald. Bruno, Burghart, Hrubby, Kaven, Kilburg, Kosirog, Maladra, Marks, Swanson)

ABSENT: 1 (McGowan)

NAYS: 0 MOTION CARRIED

NAYS: 0 MOTION CARRIED

***6. Approve Minutes from the Regular City Council Meeting on April 5, 2021. (Clerk recommends approval)**

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

***APPROVE REPORTS**

- a. February Financial Report
- b. Tax Reports

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

COUNCIL COMMITTEES

None

OTHER ITEMS AND CORRESPONDENCE

None

MUNICIPAL BILLS FOR PAYMENT

City of Geneva Expenditures - 4/19/21	\$ 2,444,061.94
Manual Check(s) –	
Utility Billing Refund(s)	938.70
Misc. Refund(s) –	
Sales Tax Abatement –	
City of Geneva Payroll	718,996.08
Tri-Com Expenditures - 4/19/21	87,695.01
Tri-Com Payroll	105,553.65
Total Expenditures	<u>\$ 3,357,245.38</u>

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

Roll Call:

AYES: 9 (Ald. Bruno, Burghart, Hruby, Kaven, Kilburg, Kosirog, Maladra, Marks, Swanson)

ABSENT: 1 (McGowan)

NAYS: 0 MOTION CARRIED

COMMITTEE OF THE WHOLE ITEMS OF BUSINESS

***a. Approve Resolution No. 2021-23 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, 2021.**

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

***b. Approve Resolution No. 2021-24 Authorizing Purchase of 2021 Chevrolet Tahoe from Miles Chevrolet in an Amount Not-to-Exceed \$50,098.00 Inclusive of Conversion Costs for Police Department Squad Vehicle.**

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

***c. Approve Resolution No. 2021-25 Authorizing Identification Sign Easement Agreement with the Forest Preserve District of Kane County.**

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

***d. Approve Resolution No. 2021-26 Authorizing Execution of a Contract with Builders Paving, LLC in an Amount Not-to-Exceed \$1,827,000.00 for the 2021 Street and Watermain Improvement Project.**

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

***e. Approve Resolution No. 2021-27 Authorizing the Acceptance of a Proposal from Baxter & Woodman, Crystal Lake, IL for the Water System Risk and Resilience Assessment and Emergency Response Plan Update at a cost not to exceed \$27,300.**

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

***f. Approve Resolution No. 2021-28 Authorizing the Purchase of Two 2021 Peterbilt Model 348 Single-Axle Dump and Snowplows from JX Truck Centers in an Amount Not to Exceed \$430,460.**

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

***g. Approve Resolution No. 2021-29 Declaring Surplus Miscellaneous Vehicles and Equipment.**

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

***h. Approve Resolution No. 2021-30 Authorizing Execution of a License Agreement with The Birdhouse Lady, LLC at 28 James Street.**

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

***i. Approve Resolution No. 2021-31 Authorizing Execution of the Ride in Kane Program Sponsor Agreement Effective August 2021 Through August 2023 Subject to Approved Funds.**

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

j. Approve Resolution No. 2021-32 Awarding Bid and Contract to CDW Government, LLC in the Amount of \$37,050.00 for FY2020-2021 and \$59,008.00 for FY2021-2022 Citywide Computer Replacement Program.

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

Ald. Burghart asked whether, instead of desktop computers, laptops should be considered so staff could use them off-site in case of emergencies, or situations such as the current pandemic which prevent staff from working in their usual office spaces. Burghart also felt that the new computers were high-end in their configurations.

Adm. Dawkins noted that the higher cost of laptops was part of the decision to go with desk-tops, and added that efforts over the past four years had ensured that senior staff had the ability to work off-site prior to and during the current pandemic.

Ald. Hruby asked how many machines were being proposed in the contract. IT Director Collings reported that 25 desk-tops, two “rugged” laptops and one server were included. Collins also noted these computers followed one single specification to allow standardization across all city computers, and that this contract followed the goal of replacing approximately 25% of the machines per year.

There being no further questions, the matter was put to a vote.

Roll Call:

AYES: 9 (Ald. Bruno, Burghart, Hruby, Kaven, Kilburg, Kosirog, Maladra, Marks, Swanson)

ABSENT: 1 (McGowan)

NAYS: 0 MOTION CARRIED

PRESENTATION OF ORDINANCES, PETITIONS, RESOLUTIONS, AND BID AWARDS

a. Consider Ordinance No. 2021-07 Granting a Sign Variance at 100 S. Glengarry Drive (DePaw Canine Campus)

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

Roll Call:

AYES: 9 (Ald. Bruno, Burghart, Hruby, Kaven, Kilburg, Kosirog, Maladra, Marks, Swanson)

ABSENT: 1 (McGowan)

NAYS: 0 MOTION CARRIED

NAYS: 0 MOTION CARRIED

NEW BUSINESS

Ald. Kaven asked if the council could get updates on projects currently underway in the City. Mayor Burns said City Staff would provide this.

Asst. Administrator McCready said there was one person wishing to comment through the virtual platform.

William Scown spoke about the upcoming Clean Energy and Jobs Act (CEJA) to be voted on by the State Legislature in early May. Scown said he would like robust discussions including members of the public regarding Geneva's positions on the bill, and suggested preparatory meetings be held to define benefits and costs to clean and renewable power VS fossil fuels. Scown then asked for reactions from the assembly.

Ald. Hruby asked whether it would be possible to hold a public meeting by April 26, and discussion continued as to whether there was time to hold any meeting on the topic before the scheduled State vote. Mayor Burns said he had no objection to having discussions on the overarching goal of clean energy and alternative positions being advanced by different organizations.

Ald. Bruno and Burghart were open to a meeting on the topic. Ald. Kaven asked about the nature of the discussion, noting that we don't have specifics yet, and what the goal of such discussion would be. Ald. Maladra, Kosirog and Swanson felt there would be value for the public to have input and discussion of the process. Ald. Kilburg felt it was important to determine what the city's interests and financial impacts were and how they can be protected, and added a suggestion that an energy consultant be engaged to advise on the topic. Mayor Burns noted that many parties had contributed to the bill and there are a lot of moving parts, adding that it seems more understanding by the state legislature is developing on the issues.

Scown proposed meeting(s) be held prior to the upcoming vote in May, with input from City Staff. Mayor Burns suggested May 10 was a better date for a public meeting, in order to allow time for City Staff to prepare a presentation on the City's power supply mix and an overview of the status of CEJA legislation, and to inform the public of the meeting. Ald. Maladra and Marks supported the May 10 date, and Marks added his feeling that there should be a balanced discussion on the matter.

Administrator Dawkins reported that no comments were received via email.

ADJOURNMENT

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

Noting that this is the first time since the pandemic started that all members of the council were attending in person (albeit with one absence), that a voice vote was permitted:

MOTION CARRIED by unanimous voice vote 9/0 with one absence.

The meeting adjourned at 7:47 PM.

City Clerk
Roger Godskesen

From: [Adam McMillen](#)
To: [Hruby, Becky](#); [Bruno, Mike](#); [Kilburg, Dean](#); [Maladra, Craig](#); [Marks, Richard](#); [Swanson, Robert](#); [Burghart, Tara](#); [Kosirog, Brad](#); [McGowan, Jeanne](#); [Kaven, Gabriel](#); [Public Comment](#); [Burns, Kevin](#)
Subject: Clean Energy Jobs Act
Date: Thursday, April 15, 2021 2:48:19 PM

Dear members of Geneva City Council and Mayor Burns:

I write in support of Clean Energy Jobs Act (CEJA-HB3624) that will go to vote in the IL HR in early May. I understand that the City Council will be discussing and communicating Geneva's position on this bill in the near term.

I have lived in Geneva for 13 years, and feel the need for a transition to 100% clean energy is timely and in the best interest for the future of Geneva. Clean energy bring jobs, investment, and economic development to the local community and attracts residents to Geneva. It will reduce the pollution and airborne illnesses associated with our electricity use. Clean energy also mitigates the negative impact that climate change will have on Geneva's natural environment. Once passed, I am excited to tell our youth about all the great things the CEJA will do for their future here in Geneva.

I encourage you to vote Yes in support of the CEJA.

Adam McMillen, Resident of Geneva 13 years.

From: [Mel Rooney](#)
To: [Burns, Kevin](#); [Hruby, Becky](#); [Bruno, Mike](#); [Kilburg, Dean](#); [Maladra, Craig](#); [Marks, Richard](#); [Swanson, Robert](#); [Burghart, Tara](#); [Kosirog, Brad](#); [McGowan, Jeanne](#); [Kaven, Gabriel](#); [Public Comment](#)
Subject: CEJA - vote yes
Date: Sunday, April 18, 2021 8:41:17 AM

Dear members of Geneva City Council:

I write in support of Clean Energy Jobs Act (CEJA-HB3624) that will go to vote in the IL HR in early May. I understand that the City Council will be discussing and communicating Geneva's position on this bill in the near term.

I have lived in Geneva for 10 years, and feel the need for a transition to 100% clean energy is timely and in the best interest for the future of Geneva. Clean energy bring jobs, investment, and economic development to the local community and attracts residents to Geneva. It will reduce the pollution and airborne illnesses associated with our electricity use. Clean energy also mitigates the negative impact that climate change will have on Geneva's natural environment. Once passed, I am excited to tell our youth about all the great things the CEJA will do for their future here in Geneva.

I encourage you to vote Yes in support of the CEJA.

Mel Rooney, NRC member and resident

Sent from my iPhone

From: [Rod Nelson](#)
To: [Public Comment](#)
Cc: [Hruby, Becky](#); [Maladra, Craig](#); [Kilburg, Dean](#); [Kaven, Gabriel](#); [Bruno, Mike](#); [Kosirog, Brad](#); [Marks, Richard](#); [Swanson, Robert](#); [Burghart, Tara](#); amayer@geneva.il.us
Subject: Public Comment for City Council Meeting of 19 April 2021: Emma's Landing LIHTC Reservation and Fraudulent Circumvention of Required Independent Cost Certification
Date: Monday, April 19, 2021 4:58:58 AM
Attachments: [Emma's Landing LIHTC Reservation Failure to Disclose Identity of Interest letter 19 April 2021.pdf](#)

Please include this email and the attached letter to IHDA as a public comment for the 19 April 2021 City Council meeting. The letter/comment describes fraud involving the Geneva City Council occurring during the Emma's Landing approval process.

Thank you.

Rodney Nelson
23 Kane Street
Geneva, Illinois 60134

From: rbn3@aol.com,
To: maohle@ihda.org,
Cc: mcolin@hudoig.gov, james.a.cunningham@hud.gov,
Subject: Emma's Landing LIHTC Reservation: Failure to Disclose Identity of Interest
Date: Sun, Apr 18, 2021 6:00 am

Maureen Ohle

General Counsel, Illinois Housing Development Authority

Dear Ms. Ohle,

in re: Emma's Landing LIHTC Reservation and Fraudulent Circumvention of Required Independent Cost Certification

The Application for a LIHTC reservation of tax credits for the Emma's Landing project in Geneva, Illinois was approved by IHDA in July 2020. According to the IHDA QAP and the document cited below, the applicant "must" disclose an IOI between "the GC and Owner". The Emma's Landing project owner is the Burton Foundation and the general contractor (GC) is Door Creek Construction of Illinois, LLC. The President of Burton Foundation is Tracey Manning. One of the three managers of the Door Creek Construction of Illinois, LLC, is Bryan Fellhauer (see Secretary of State on-line database of registered Illinois corporations). The Illinois statute that enables manager-managed LLC's stipulates that the manager or majority of managers has operational control of the LLC. Tracey Burton and Bryan Fellhauer are husband and wife.

Identity of Interest ("IOI") appears 108 times in the 935 pages "MULTIFAMILY ACCELERATED PROCESSING (MAP) Guide Revision March 19, 2021 Office of the Assistant Secretary for Housing– FHA Commissioner." The applicable section (emphasis added) is this:

"14.12.1 Treatment of Developer Fee

D. An IOI between the GC and the owner is allowed and does not require a waiver, but it must be disclosed in the application and may affect the fee and profit structure (may use Lump Sum or Cost-Plus form of Construction Contract and neither the General Contractor nor the Borrower need to cost certify if the project is exempt from providing a Cost Certification per Chapter 13 as determined at the time of Firm Commitment). No blanket restriction has been imposed on the amount of General Contractor profit, except it must be reasonable based on the market and the scope of work. HUD generally relies on the policies of the State tax credit allocation agencies, which often scale fees down when a single party or two related parties are receiving both the Developer Fee and the GC Profit."

The Emma's Landing LIHTC application certifies that there is no IOI. A plain reading of the applicable documents requires the conclusion that this certification is incorrect and fraudulent. Construction cost inflation has been used historically to unlawfully inflate both fees and the total award of tax credits. The failure to disclose the IOI unlawfully circumvented IHDA's requirement for an independent cost certification.

I have been trying for several months to get an explanation from IHDA of HUD that either confirms my conclusion or informs me as to how and why my conclusion is incorrect. I hope you can provide me with an explanation for this troubling situation. The tax credit reservation for Emma's Landing should be suspended pending a thorough review. If you are unable to respond would you please direct me to the State Agency that has oversight over IHDA?

Thank you.

Sincerely,

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

630 715 4499