

## SPECIAL CITY OF GENEVA COUNCIL MEETING

**May 24, 2021**

In adherence to Gov. Pritzker's Bridge to Phase 5 of the Restore Illinois plan limiting meeting gatherings to 60% of overall room capacity; City of Geneva meetings continue to be a hybrid 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](mailto: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/9080451333539734287>

### **CALL TO ORDER**

The Geneva City Special Council meeting was called to order by Mayor Pro Tem Craig Maladra at 7:00 PM.

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

Attending by video or teleconference: Mayor Kevin Burns, Ald. Becky Hruby, City Clerk Roger Godsken.

Aldermen absent:

Staff Present: City Administrator Stephanie Dawkins, City Atty. Ron Sandack, Public Works Director Babica

Staff attending by video or teleconference: Aaron Holton, Electric Superintendent

### **PLEDGE OF ALLEGIANCE**

Led by Amy Mayer

### **3. ITEMS OF BUSINESS**

#### **3.a Consider Revised Draft Letter to State Elected Officials Regarding City of Geneva Electric Operations and Potential Impacts of Proposed Legislation. (As amended twice)**

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

Mayor Pro Tem Maladra opened the item for discussion by the council.

Ald. Bruno noted his feeling that this letter contains what has already been discussed, and that we have done a good job moving toward de-carbonizing. Noted that nothing in the letter says we will not honor our obligations, and feels the city is asking to be on a level playing field, but noted there are a lot of unknowns. Feels our ethical obligation is to look to the future of energy generation in Geneva in terms of environment and health. Bruno gave his support for the letter.

Ald. Swanson agreed with Bruno's support for the letter, and asked whether the existing methane re-capture should be added to the letter, because it is the greenest way to handle the methane. Bruno agreed that could be added to the letter, and would propose wording for it later

in the discussion.

Ald. Kosirog asked about the origin of the paragraph regarding our obligation to NIMPA (Northern Illinois Municipal Power Agency and the Prairie State facility).

Atty. Sandack replied that the origin was a memo including wording from the counsel advising the city on NIMPA obligations. Kosirog asked whether our legal counsel recommended this, and Sandack replied the answer would be yes.

Ald. Marks asked about removing mention of CEJA, and changing wording to the effect “if a clean energy bill is passed”, and made a motion to make these changes.

**3.a.1 Motion to remove CEJA language from letter and change wording to the effect “if a clean energy bill is passed”**

Moved by Ald. Marks, seconded by Ald. Kosirog to amend the letter as presented

Discussion followed on the motion; Ald. Kosirog agreed with the proposed change.

There being no further discussion on the motion to amend the letter:

Roll Call:

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

ABSENT: 0

NAYS: 0 MOTION CARRIED

**3.a.2 Motion to add wording regarding continuation of relationship with Waste Management for methane recapture from the landfill because we feel this handles the methane in the most sustainable manner.**

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

Ald. Swanson would add wording that this facility handles methane gas in the most sustainable manner. Bruno clarified where this wording would be included in the letter. Administrator Dawkins clarified that the final draft would convey the intent of the requested changes, and Swanson indicated that would be acceptable.

Ald. Mayer asked for clarification whether council would have a chance to review the final letter, Dawkins indicated that when (approval) of the letter is passed tonight, it would go in the mail tomorrow. There being no further questions or discussions:

Roll Call:

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

ABSENT: 0

NAYS: 0 MOTION CARRIED

**3.a.3 Motion to eliminate the final paragraph of the letter**

Moved by Ald. Burghart, seconded by Ald. Swanson to modify the letter as noted.

Burghart described her reasoning, which referenced her feeling the original letter in no way included a need for the city to reiterate its intent to honor the contractual obligations toward Prairie State. Burghart added that, without knowing what the legislation from Springfield would include, this wording could potentially increase the city’s liabilities, and asked the City Atty. if

this letter could be used as evidence in any future litigation. Atty Sandack that it could, in both ways. Burghart reiterated her support for a move to renewable energy, but there was no need to reinforce the city's contractual obligations in the proposed letter.

Bruno felt the letter indicates our intent, but didn't know if it this paragraph helps or hurts.

Ald. Kaven did not feel having this in the letter would change what the city already contractually agreed to years ago, and suggested it remain and that it would not really make any difference.

Ald. Hruby offered a revision to replace the last paragraph as a friendly amendment, but Burghart rejected this suggestion.

Ald. Maladra gave his position that adding this language to the letter, which was requested by the bond counsel, suggested the city's intent to move toward carbon-neutral responsibly.

Ald. Swanson suggested we remove this paragraph, adding wording to paragraph two, to the effect "of honoring our contractual and debt obligations", and whether that would satisfy the objectives from legal counsel.

Atty. Sandack responded that, based on discussion with bond counsel and the city legal team, not having this language could construe a lack of commitment by the city to honor these obligations. Sandack noted that bond counsel had seen and approved the originally proposed language, but was not sure if these proposed changes would convey the same message. Sandack further noted the current construct of the letter does meet the city's position.

Burghart reiterated that her motion that was only to eliminate the final paragraph. There being no further discussion:

Roll Call:

AYES: 3 (Ald. Burghart, Hruby, Swanson)

ABSENT: 0

NAYS: 7 (Bruno, Kaven, Kilburg, Kosirog, Maladra, Marks, Mayer) MOTION FAILED

Mayor Burns noted that the letter would be both mailed and emailed tomorrow.

### **3.a.4 Motion to eliminate brackets and the statement "and other similarly impacted communities"**

Moved by Ald. Kosirog, seconded by Ald. Burghart to approve the motion as presented

Kosirog felt we should just focus on Geneva in the letter.

Ald. Swanson felt that inclusion of the phrase is appropriate and points out to the legislature that this impacts many communities. Ald. Bruno, who created the phrase, agreed with this intent because it is important to include all communities, and proposed leaving it in.

Ald. Kilburg felt it important to show the impact goes beyond just Geneva and feels it makes sense to leave it in.

Ald. Bruno added there were several communities outside the state who would also be affected.

Ald. Kosirog withdrew his motion, but asked if the brackets could still be removed. Maladra confirmed removal of the brackets could be done simply as an editorial change.

Ald. Hruby asked for clarification that if the letter passes, but not every council member votes for it, whether their names still go on the letter. Administrator Dawkins responded that the action is taken as a body, so whatever the final decision is, all names of the council would be included.

Ald. Burghart explained why she would vote against the letter as proposed, not seeing a reason to reiterated the city's obligations to the contracts and bonds for Prairie State.

There being no further discussion or questions:

**FINAL VOTE on the motion to approve the letter as amended twice:**

Roll Call:

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

ABSENT: 0

NAYS: 1 (Burghart) MOTION CARRIED

Mayor Pro Tem Maladra noted the letter would be finalized as amended, and sent out tomorrow (May 25, 2021). Administrator Dawkins noted that all council members would receive a copy of the finalized letter.

**NEW BUSINESS AND PUBLIC COMMENT**

Mr. Wickstrom, husband of Ald. Mayer wished his wife a happy birthday.

Administrator Dawkins noted that one email had been received, and would be included in the minutes. No one was waiting to comment online.

Bruno noted that congressman DeWitt would be hosting an upcoming meeting on energy legislation.

**ADJOURNMENT**

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

Roll Call:

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

ABSENT: 0

NAYS: 0 MOTION CARRIED

The meeting adjourned at 7:43 PM.

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City Clerk  
Roger Godskesen

From: **William Koehl** <[222koehl@gmail.com](mailto:222koehl@gmail.com)>  
Date: Mon, May 24, 2021 at 6:54 PM  
Subject: Are the bonds an impediment to closing Prairie State?  
To: <[publiccomment@geneva.il.us](mailto:publiccomment@geneva.il.us)>

Council all,

There is one sentence in particular in the proposed letter that requires some more substantial support:

"We are **contractually tied to Prairie State through bond obligations** extending through 2041."

I believe this is a misstatement.

We do have both bond and contractual obligations, but they are for different things.

The bond is for the building.

Our bond obligation is with the bond holders. It is the bond that matures in 2041, not the contract.

This was used to build the building. It is not used to operate the plant or produce power.

The contract is for the power.

Our contract is with NIMPA, their contract is with Prairie State. It is for 50 years or until the plant shuts down and the bonds are paid off. The contract is to operate the coal plant and buy it's electricity.

The bond obligation is unchanged, regardless of who or what we buy power from. Or whether or when Prairie State shuts down. Our bond responsibility is completely unaffected by this change.

But when Prairie State is shut down, NIMPA will have to buy electricity from someone else.

It is not the bond obligation that has us tied to Prairie State, it is the contract. We cannot break the contract. But the State can shut down the plant. This will leave NIMPA with a plant without operating or maintenance expenses after clean up.

Sincerely,

William Koehl  
UUSG Green Sanctuary  
2280 Bloomfield Circle  
Geneva, IL 60134-1000  
312-404-1785