

COMMITTEE OF THE WHOLE MINUTES

August 2, 2021 immediately following the City Council meeting at 7:00 PM.

Meetings continue to be livestreamed to provide 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

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

MEETING LINK

<https://attendee.gotowebinar.com/register/2931806390681399311>

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

AGENDA

1. CALL TO ORDER

Chair Mayor Burns called the meeting to order at 7:24 PM, noting Ald. Mayer was attending remotely, Bruno and Marks were absent, and the remaining 7 aldermen were in attendance in chambers.

2. Approve the Minutes from the July 19, 2021 Committee of the Whole Meeting.

Moved by Ald. Burghart, 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 a Contract with Strada Construction Co. for the 2021 ADA Concrete Accessibility Project in an Amount Not to Exceed \$50,000.00.

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

Roll Call:

AYES: 8 (Ald. Burghart, Hruby, Kaven, Kilburg, Kosirog, Maladra, Swanson)

ABSENT: 2 (Ald. Bruno, Marks)

NAYS: 0 MOTION CARRIED

b. Consider Draft Resolution Authorizing the Purchase of a Sludge Feed Pump for the Wastewater Treatment Plant from LAI, Ltd in an Amount Not to Exceed \$23,326.00.

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

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

c. Consider Draft Resolution Authorizing a Contract with DPS Equipment Services, Inc. for a Purchase of Primary Clarifier Flight Assemblies at a Total Not to Exceed Amount of \$214,252.50.

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

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

d. Consider Draft Resolution Authorizing Execution of Agreements Related to the General Obligation Refunding Bonds (Waterworks and Sewerage Alternate Revenue Source), Series 2021A, General Obligation Refunding Bonds (Waterworks and Sewerage Alternate Revenue Source), Series 2021B.

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

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

e. Consider Draft Ordinance Amending Title 6 (Police Regulation) and Title 10 (Building Regulations) of the Geneva Municipal Code to Permit the Keeping of Chickens in the City of Geneva (AS AMENDED THREE TIMES).

Moved by Ald. Burghart, seconded by Ald. Swanson to approve the measure and open the topic for discussion.

City planner Chayton True gave a slide presentation on the proposed ordinance. He noted the issue had been considered by city council previously on three occasions: in April 2009 and July 2012 it failed to gain acceptance, and in January, 2021, it was again requested that staff research and prepare a proposed ordinance. To prepare the proposal, comparisons were made with several other cities who did allow the keeping of chickens, and suggestions were collected from other model ordinances to prepare this one. He then described the contents and regulations of the proposed ordinance.

At this point, the consideration of the ordinance was opened for discussion by the committee.

A 2-hour discussion followed, which resulted in 8 motions brought to amend the ordinance, with three of those passing and 5 failing. The final vote (below) resulted in a failure to adopt the ordinance.

Ald. Burghart asked how complaints such as odors would be enforced, the amounts of fines and for clarification on the 20-foot setback noted in the ordinance. True and Dawkins responded that the code enforcement officer would need to investigate and determine issues, fines varied from \$25-\$500 and that the 20-foot setback referred to the minimum distance from neighboring dwellings.

Ald. Kaven asked whether chickens would be allowed to roam freely within a fenced-in yard, noting his concerns about noise and odors, on the vagueness of the term "sufficient" for construction of coops, whether coops would be permanently fixed or movable, and whether repeated offenses would result in rescinding a permit. True responded that chickens could roam, but the yard must be 20 feet minimum from dwellings, more specific wording could be included regarding the construction required, coops could be either fixed or mobile. Dawkins noted that remediation would handle issues of repeat offenses and that could result in revocation of a permit.

Ald. Hruby asked what would happen to chickens if a permit were revoked or they reach an age where they are no longer laying, and the average life-span of chickens. Dawkins and True responded that the chickens would have to be removed, noting the proposed ordinance prohibited slaughter on residential property. True suggested the chickens would need to be slaughtered at a commercial business such as a butcher shop.

Ald. Mayer felt the 5-foot setback from property lines was insufficient, and that it should be increased to 10-15 feet.

Ald. Kilburg passed around a photo of a coop in St. Charles (which does allow chickens) and felt this demonstrated the potential eye-sores that could result, noting concerns over property values, noise and the potential for creating tensions between neighbors. He suggested requiring adjacent neighbors be required to sign-off on permit requests. He also felt allowing chickens would present one more task for Geneva's code enforcement officer, who is already over-worked. Kilburg also raised concerns about food safety, veterinary care for the birds, outbreaks of bird-borne diseases that required the slaughter of millions of chickens in California and Iowa, health risks and the requirement to keep liquid water available for the chickens in freezing weather, which could result in people running extension cords outdoors. He closed by noting that this proposal had already been voted down twice before by the council.

Ald. Kosirog asked whether comparisons had been made with cities that do not allow chickens, which True said had not been included in the study. Kosirog asked about yard sizes and special considerations for certain neighborhoods, added that most city lots would not be appropriate, and added his concern over the impact on the city's sole enforcement officer.

Ald. Swanson noted that dozens of cities have approved keeping chickens, that his research had not shown issues in these cities and that he did not think problems would be pervasive.

3.e.1 Motion by Ald. Kilburg, seconded by Hruby to amend ordinance to require electrical service to coops

Ald. Hruby felt this would be too expensive, and that she had grown up on farms and hauling water to the coops was standard practice.

Mayer asked whether coops would be approved to attach to sheds or houses; True replied they would not.

Roll Call:

AYES: 3 (Ald. Kaven, Kilburg, Kosirog)

ABSENT: 2 (Ald. Bruno, Marks)

NAYS: 5 (Ald. Burghart, Hruby, Maladra, Mayer, Swanson) MOTION FAILED

3.e.2 Motion by Ald. Kilburg, seconded by Maladra to amend ordinance to require minimum 1 acre lot size

Ald. Burghart felt a one-acre requirement was too large.

Hruby was concerned about staff and enforcement time spent on this issue but supports a minimum lot size.

Maladra felt a one-acre minimum lot would effectively mean that no one could keep chickens in the city, so the lot size requirement should be smaller.

Mayer was concerned about property line setbacks.

Roll Call:

AYES: 3 (Ald. Kaven, Kilburg, Kosirog)

ABSENT: 2 (Ald. Bruno, Marks)

NAYS: 5 (Ald. Burghart, Hruby, Maladra, Mayer, Swanson) MOTION FAILED

3.e.3 Motion by Ald. Kilburg, seconded by Maladra to amend ordinance to require minimum 15,000 square foot lot size

Ald. Swanson felt this would seem to eliminate large sections of the city and that property line setbacks were the issue, rather than lot size.

Burghart asked if the setback issue should be a planning and zoning issue, and agreed that basing permits on lot size feels like it discriminates against some residents. Atty. Sandack defined how the city can and has restricted actions based on lot size, and DeGroot defined the section of code as police defining animal control that would cover this issue and also when the PZC would need to be involved.

Maladra felt that keeping chickens was more appropriate for larger lots, noted that the city already does tell people what they can and cannot do when health and nuisance are involved. He added this would of benefit to very few people, big lots would be more appropriate for keeping chickens, added his concerns the time spent on this issue, and about setbacks.

Roll Call:

AYES: 5 (Ald. Hruby, Kaven, Kilburg, Kosirog, Maladra)

ABSENT: 2 (Ald. Bruno, Marks)

NAYS: 3 (Ald. Burghart, Mayer, Swanson) MOTION CARRIED

Returning to discussion of the original ordinance as amended,

Kosirog felt there was no correlation between what Geneva does versus other cities that do so that should not drive Geneva to allow chickens.

Swanson clarified his point on this matter was that other large communities have allowed this without problems, we were looking for problems in order to deny this action, and the evidence has shown him that such problems do not exist.

Kaven agreed that the setback should be larger than five feet, and added that he doesn't feel coops should be portable.

3.e.4 Motion by Ald. Kilburg, seconded by Maladra to amend ordinance to remove language related to "fenced yards"

Roll Call:

AYES: 7 (Ald. Burghart, Hruby, Kaven, Kilburg, Kosirog, Maladra)

ABSENT: 2 (Ald. Bruno, Marks)

NAYS: 1 (Ald. Swanson) MOTION CARRIED

3.e.5 Motion by Ald. Mayer, seconded by Maladra to amend ordinance to change setback from 5 feet to 10 feet

Roll Call:

AYES: 6 (Ald. Kaven, Kilburg, Kosirog, Maladra, Mayer, Swanson)

ABSENT: 2 (Ald. Bruno, Marks)

NAYS: 2 (Ald. Burghart, Hruby) MOTION CARRIED

Returning to discussion of the original ordinance as amended,

Maladra felt Geneva was doing fine with not allowing chickens, and felt it was odd the committee was discussing an ordinance that we hoped would not be largely used.

Hruby suggested a trial of one year with a maximum number of permits.

3.e.6 Motion by Ald. Mayer, seconded by Swanson to amend ordinance to require a 1-year trial with a maximum of 20 permits to households to keep chickens

Burghart agreed with the idea of holding a trial.

Swanson also agreed, but felt that we have made the ordinance too restrictive.

Ald. Mayer withdrew her motion.

Motion withdrawn

3.e.7 Motion by Ald. Burghart to remove the three amendments already approved, and add an amendment to the original ordinance to require a 1-year trial with a maximum of 20 permits to households to keep chickens

Upon discussion, and with input from Atty. Sandack, it was determined that this action would not be permitted under rules of order without the author of each amendment that had passed agreeing to withdraw their motion first. This motion was not seconded and the discussion moved on.

Motion not seconded.

3.e.8 Motion by Ald. Hruby, seconded by Burghart to amend ordinance to require a 1-year trial with a maximum of 20 permits to households to keep chickens

Kilburg felt that allowing 20 permits in this trial was too many.

Roll Call:

AYES: 4 (Ald. Burghart, Hruby, Mayer, Swanson)

ABSENT: 2 (Ald. Bruno, Marks)

NAYS: 5 (Ald. Kaven, Kilburg, Kosirog, Maladra, Burns) MOTION FAILED

3.e.9 Motion by Ald. Burghart, seconded by Hruby to remand ordinance back to staff for further research and rewriting

Kaven asked for clarification on what would be produced by staff, and whether additional information will be added to the ordinance.

Kosirog expressed concern over staff time that would be spent on this, and that he would not be in favor.

Roll Call:

AYES: 4 (Ald. Burghart, Hruby, Mayer, Swanson)

ABSENT: 2 (Ald. Bruno, Marks)

NAYS: 5 (Ald. Kaven, Kilburg, Kosirog, Maladra, Burns) MOTION FAILED

Discussion returned to the original ordinance, as amended three times. There being no further questions or comment, the amended ordinance was put to a vote.

Roll Call:

AYES: 4 (Ald. Burghart, Hruby, Mayer, Swanson)

ABSENT: 2 (Ald. Bruno, Marks)

NAYS: 4 (Ald. Kaven, Kilburg, Kosirog, Maladra) MOTION TIED

Mayor Burns recapped the status of the discussion this evening, and noted that, based on the many concerns raised, he was voting NAY to break the tie.

FINAL Roll Call results:

AYES: 4 (Ald. Burghart, Hruby, Mayer, Swanson)

ABSENT: 2 (Ald. Bruno, Marks)

NAYS: 5 (Ald. Kaven, Kilburg, Kosirog, Maladra, Burns) MOTION FAILED

4. New Business and Public Comment

None

6. Adjournment

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

Roll Call:

AYES: 8 (Ald. Burghart, Hruby, Kaven, Kilburg, Kosirog, Maladra, Swanson)

ABSENT: 2 (Ald. Bruno, Marks)

NAYS: 0 MOTION CARRIED

The meeting adjourned at 9:22 PM

- Submitted by City Clerk Godskesen