

GENEVA CITY COUNCIL MEETING MINUTES

Tuesday, September 6, 2022

City Hall Council Chambers
109 James St., Geneva, IL 60134

CALL TO ORDER

The September 6, 2022 meeting of the Geneva City Council was called to order at 7:00 p.m. in the Council Chambers of City Hall by Mayor Kevin Burns.

Elected Officials present:

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

Mayor Kevin Burns, City Clerk Vicki Kellick.

Elected Officials attending by video or teleconference: None.

Elected Officials absent: Becky Hruby

Others Present: City Administrator Stephanie Dawkins, Assistant City Administrator Ben McCready, City Attorney Ron Sandack, Economic Development Director Cathleen Tymoszenko, Electric Division Superintendent Aaron Holton, Public Works Director Rich Babica, Community Development Director David DeGroot, Financial Director Rita Kruse, Geneva Fire Department Fire Chief Michael Antenore.

Others attending by video or teleconference: None.

PLEDGE OF ALLEGIANCE

The pledge was led by Alderman Kaven.

PUBLIC HEARINGS, SPECIAL ITEMS AND PRESENTATIONS

Proclaim Emergency Management Agency Week and Recognize GEMA Volunteers.

Mayor Burns stated that the words reliable, responsive, respectful, passionate, and consistent come to mind when he hears “Geneva Emergency Management Agency volunteers”. Volunteers help the fire and police departments respond to emergencies by helping with traffic control, festival assistance, severe weather tracking and emergencies, and major fire and police events.

The mayor welcomed five GEMA volunteers to the meeting beginning with 11-year volunteer Kevin Warfel. Mr. Warfel was born with a rare heart condition that prevented him from becoming a police officer. However, he was able to become a GEMA volunteer. He advised any young person with passion and drive to sign up for the police or fire explorer program.

Kevin’s father, Dale Warfel, has been a GEMA volunteer for 38 years. The Geneva Fire Department held a Fill-the-Boot fundraiser for Kevin when he was 9 months old, and Dale vowed then to give back to the city by volunteering with GEMA.

GEMA volunteer James recently came on board six months ago and experienced his first event at Swedish Days this year. He became a volunteer because he wanted to help his community. He proudly noted that his daughter is a Geneva police officer.

GEMA volunteer Dan has been involved with the group for 11 years. He grew up wanting to work with the police or fire department but sought other opportunities. He noted that he has participated in storm watches with Dale which can become treacherous. Dan retired just 1 month ago from his business of 48 years.

Jim Hansen joined GEMA at age 17 and has been with the group for over 41 years. His first event with the GEMA involved diverting traffic from a side street when a drunk driver hit a tree on State Street in December 1980. He then attended the University of Illinois but volunteered with GEMA when he returned home on breaks.

Jim's wife Chrissy joined GEMA after the September 11 tragedy. Her message to other women considering joining the group is to, "Get out there and do it!" She noted that she met Jim while they served together on GEMA, after Dale covertly played matchmaker for the pair.

Chief Antenore thanked the entire volunteer team and noted that their service to the community is immeasurable. He went on to present Jim with a plaque in recognition of Jim's time with the organization. He noted that GEMA is looking for volunteers and stated that 18 people have signed up so far.

Moved by Ald. Marks, Seconded by Ald. Kilburg to proclaim September 6-10, 2022 as Geneva Emergency Management Agency week.

MOTION CARRIED by unanimous voice vote 9/0 with Hruby absent.

Introduce Public Works Administrative Assistant Sara Finch and Public Works GIS Technician Cameron Zable.

The Mayor introduced Sara Finch as the new administrative assistant to the Water Division Superintendent. Ms. Finch attended Geneva Middle School South and Geneva High School. She joined the City in June after working as a Special Education 8th Grade Assistant at the middle school, as well as serving as the 7th and 8th grade cheer coach and producer of the spring musical. She is engaged to Chris Horton who was in attendance, and they will have their ceremony and reception in June 2023 at Riverside Receptions.

The Mayor then welcomed Cam Zable, who has been the Public Works Geographic Information Systems Technician since October 2021, and his girlfriend Veronica. Mr. Zable attended the College of DuPage and Arizona State where he studied geography and earned a certificate of GIS. He was born and raised and still resides in Elmhurst. Previously, he worked for Kendall County and had internships with the City of Berwyn and Argonne National Laboratory. Mr. Zable noted that people don't realize what GIS technicians do until maps don't work. He shared that the work involves some programming and artistry along with problem solving.

Presentations on Geneva Police & Firefighters' Pensions Actuarial Reports.

Jason Franken of Foster & Foster Actuaries and Consultants provided a presentation on the May 1, 2022 actuarial evaluations for the Geneva police & firefighters' pension fund. Mr. Franken noted that they were not as favorable as they would have liked but the previous year was quite strong. The year before that, however, was low. The investment gains and losses are viewed over a five-year period to equalize the highs and lows.

He noted that contribution requirements for both plans increased approximately \$160,000-\$170,000 per plan for this year. This increase was the result of changed assumptions plus market changes. Mr. Franken noted that the poor performance of the market contributed approximately \$60,000-\$70,000 for both plans.

One of the changed assumptions was in actuarial assumptions. This accounted for a \$100,000 increase in both plans. The Illinois pension ramp is how plans are historically funded. By lowering payroll growth assumption, it removes the steepness of contribution increases. This requires a higher contribution today but lower in the future. This is the main reason for the increased contributions.

Mr. Franken stated that another assumption that caused an increase in the plans was the result of both consolidated plans performing an experience study across the state. Adjustments to the plans were made as a result of the study.

He then noted that the police plan had virtually no change in unfunded liability while the funded ratio increased. The fire plan unfunded liability increased while the funded ratio decreased slightly. He stated that the consolidation of the fire plan assets is complete, while the police plan fund has been transferred but is still in the process of getting assets from all of the plans statewide.

On a question from Ald. Swanson, Mr. Franken stated that the police consolidation lagged behind the fire plan but that he did not anticipate unknowns going forward. On another question from the Alderman, Mr. Franken explained that buy-back calculations transfer police service times from another police department to Geneva for mid-career hires, thereby counting toward the officer's retirement total from Geneva. In that situation, the former department transfers the officer's contributions with interest to Geneva and matches the amount, causing a shortfall to which the officer must contribute, resulting in what is not a normal member contribution.

On a question from Ald. Kilburg, Mr. Franken stated that the local Firefighter Board of Trustees still serves many purposes. The trustees' responsibility for managing investments has been transferred to the state but other locally focused activities remain the same. These include reviewing disability claims, ensuring that payments are correct and are made at the correct time, etc.

Consider Approval of Special Event Application from Geneva High School for Homecoming Parade Street Lane Closures September 23, 2022.

Moved by Ald. Bruno, seconded by Ald. Burghart.

Admin. Dawkins stated that this consideration would be combined with the approval of Resolution No. 2022-78. She stated that while this is the first time that

this is being done for the homecoming parade, typically there is a special event application completed for an event which approves the event with city services, followed by the resolution that IDOT requires to close the street for the parade.

Roll call:

AYES: 9 (Bruno, Burghart, Kaven, Kilburg, Kosirog, Maladra, Marks, Mayer, Swanson)

ABSENT: 1 (Hruby)

NAYS: 0

MOTION CARRIED

Approve Resolution No. 2022-78 Requesting Closure of Traffic Lanes on State Route 38 for the Geneva High School Homecoming Parade September 23, 2022.

Moved by Ald. Kosirog, seconded by Ald. Mayer.

Roll call:

AYES: 9 (Bruno, Burghart, Kaven, Kilburg, Kosirog, Maladra, Marks, Mayer, Swanson)

ABSENT: 1 (Hruby)

NAYS: 0

MOTION CARRIED

AMENDMENTS TO AGENDA

None.

OMNIBUS AGENDA

All Items listed with an asterisk () 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. All items on the Omnibus Agenda require a simple majority vote unless otherwise indicated.*

*Approve Regular City Council Meeting Minutes from August 15, 2022 and Special City Council Meeting Minutes from August 8, 2022 and August 22, 2022.

*REPORTS: July 2022 Financial Report

*COUNCIL COMMITTEES

COMMITTEE OF THE WHOLE ITEMS OF BUSINESS:

*Approve Resolution No. 2022-79 Declaring Three Police Vehicles as Surplus Property.

*Approve Resolution No. 2022-80 Authorizing Execution of a Professional Engineering Service Agreement with Hampton, Lenzini and Renwick at a Cost Not-to-Exceed \$192,230.00 for Engineering Services for Design of Water and Sewer Replacement on S. 1st Street from State Street to South Street.

*Approve Resolution No. 2022-81 Awarding Bid and Contract to The Von Corporation at a Cost of \$32,884.00 for an Underground Cable Fault Location System.

Moved by Ald. Mayer, Seconded by Ald. Marks to approve the agenda as presented.

Roll call:

AYES: 9 (Bruno, Burghart, Kaven, Kilburg, Kosirog, Maladra, Marks, Mayer, Swanson)

ABSENT: 1 (Hruby)

NAYS: 0

MOTION CARRIED

OTHER ITEMS AND CORRESPONDENCE

None.

MUNICIPAL BILLS FOR PAYMENT: \$1,438,594.93

Moved by Ald. Mayer, Seconded by Ald. Marks to pay the bills as presented.

Roll call:

AYES: 9 (Bruno, Burghart, Kaven, Kilburg, Kosirog, Maladra, Marks, Mayer, Swanson)

ABSENT: 1 (Hruby)

NAYS: 0

MOTION CARRIED

PRESENTATION OF ORDINANCES, RESOLUTIONS, PETITIONS, BIDS

Consider Approval of Ordinance No. 2022-38 Amending Title 11 (Zoning), Section 11- 2-2 (Definition of Words and Terms) Section 11-3-5 (Fences and Walls), and Chapter 15 (Zoning Illustrations), All Related to the Regulation of Fences.

Moved by Ald. Kilburg, Seconded by Ald. Mayer.

Dir. DeGroot provided a presentation which began with his noting that in June, a policy discussion was held regarding the regulation of fences. This topic was brought forward because of resident calls to staff and alderpersons asking for taller fences in street yards, either for pools or for privacy. There was a discussion of the potential for 4-foot-tall fences in street yards for all residences, for those residences on corner lots only, and only for those residences on corner lots with pools. There was also discussion to clarify how fences in the rear yards of through lots should be treated, as well as whether there should be opacity requirements for fences in street yards.

The Committee of the Whole then directed staff to draft amendments for consideration that would create a distinction between front street yards and corner street yards; allow fence heights of 4-feet in corner street yards that do not abut the front street yard of neighboring properties; allow fence heights of 6-feet in rear yards of through lots which do not abut the front yard of neighboring properties; and establish opacity requirements for street yard fences.

On August 25, these amendments were presented to the Planning and Zoning Commission and the Commission voted unanimously to adopt the amendments as proposed with a few additional recommendations.

Dir. DeGroot noted that the first recommendation was to distinguish between a front street yard and corner street yard by proposing new definitions of each. He also noted the need for other amendments to various code sections, including fence heights and exceptions for front street yards, corner street yards, side and rear yards. There are also restrictions to the types of open fences, including the prohibition of chain link fences. Dir. DeGroot then presented a diagram showing which fence heights would be allowed under the Planning and Zoning Commission's recommendations for front street yards, corner street yards, rear yards, and through lots. Also added would be clarification of what would consist of an open fence.

On a question from Ald. Swanson, Dir. DeGroot stated that any fence on a front street yard or a corner street yard would have to be 33% open, thereby making the new fence rules more restrictive than current fence regulations.

Ald. Bruno noted that if the City were to cure a difficulty with swimming pools, he would propose that the corner street yard definition limit the 48" fence to the rear of a home's structure but he would accept the opacity at 33%.

On a question from Ald. Maladra, a homeowner could have a 42" fence in their front street yard, and a 48" fence in their corner street yard. The fence would be restricted to 42" in a corner street yard, however, if abutting a front street yard. Ald. Maladra stated that fence opacity is good as neighbors do not want to look at a wall when they move into a neighborhood, but instead would prefer to see a fence with space.

On a question from Ald. Mayer, Dir. DeGroot acknowledged that there is a healthy mix of homes in Geneva both not affected by these regulations as they have HOAs or are located in PUDs, as well as those without such restrictions and which are therefore affected by these regulations. Ald. Mayer noted that she agrees with the Planning and Zoning Commission's recommendations but does not agree with the 33% open fencing in front street yards.

On a question from Ald. Burghart, Dir. DeGroot stated that the only situation in which a 48" fence would not apply for a property with a pool would be if a homeowner wanted a 6-foot fence, in which case a 6-foot privacy fence could be erected at the house line. Regarding the Naperville regulations of fences in front yards, Dir. DeGroot stated that a front yard fence in Naperville can be 48" high as long as it is open, and 36" high if closed.

On a question from Ald. Kosirog, the regulations regarding chain link fences will appear in Section 10 and will state that chain link fences will not be allowed in a front or side street yard.

Ald. Bruno stated that his concern regarding pools is that a corner street yard could theoretically allow 48" to the front of the house if the house did not have a jog in it and therefore, that does not advance the solution for more latitude than is necessary to cure the pool issue. Ald. Bruno then offered the following amendment:

Moved by Ald. Bruno, seconded by Ald. Marks to change the current corner street yard language to limit the corner street yard to the rear of the primary structure.

Discussion took place on this amendment with Ald. Swanson stating that he has noticed several fences in the area set up as Ald. Bruno suggested. These fences are 48” in height and then decrease on an angle to 42” high at some point in the yard. He feels that these fences look silly and are an additional cost so he would be opposed to the amendment.

Ald. Mayer stated that she also would be opposed to the amendment as the fence regulation’s point is to stop the prolonged work involved when people seek to erect a fence. This amendment constitutes a more granular look than what is necessary.

Roll call:

AYES: 1 (Bruno)

ABSENT: 1 (Hruby)

NAYS: 8 (Burghart, Kaven, Kilburg, Kosirog, Maladra, Marks, Mayer, Swanson)

MOTION FAILED

Ald. Burghart stated that people with 6-foot corner lot fences which pre-date any fence regulations clearly want privacy. When it is time to replace the fence, she noted that those homeowners will likely try to keep their current fences up instead of replacing them with a 48” fence with spaces. Visually, she noted that those fences that are see-through look good but privacy is an issue.

Ald. Kosirog stated that the opacity issue seems to be framed as a prohibition against 6-foot privacy fences when it is not. Homeowners can have such a fence as long as it is situated at the setback or beyond and that would be a good tradeoff for the aesthetic in the city.

Ald. Maladra’s noted that the privacy fence issue is only a concern for corner street yards that abut front street yards. He noted that corner lots have restrictions and the fence restrictions may sound onerous but are necessary because residents do not want to see fortresses hidden behind walls.

Ald. Swanson noted that Ald. Burghart’s point especially affects some of the yards in the 1st 5th, and 3rd Wards. Those yards are small and sizes are reduced significantly if the owners desire a privacy fence which would have to be erected at the house line. He noted that fence opacity does not provide such privacy. He also noted that landscaping and the color of homes are not regulated so why add regulations as to the height and privacy of a fence. Ald. Swanson then offered the following amendment:

Moved by Ald. Swanson, seconded by Ald. Burghart to remove the 30% fence opacity restrictions.

Ald. Maladra asked Dir. DeGroot if he could erect a shed in a front or corner street yard to which Dir. DeGroot replied in the negative. Ald. Maladra noted that there are therefore restrictions on what can be built in these yards. He stated that he is concerned with the front street yard having different fence requirements under the proposed regulations than a corner street yard. Regarding opacity, Ald. Maladra noted that fences with 30% opacity are readily available so the regulations are not onerous.

Roll call:

AYES: 2 (Burghart, Swanson)

ABSENT: 1 (Hruby)

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

MOTION FAILED

On a question from Ald. Marks, Dir. DeGroot stated that 6-foot privacy fences are allowed under the new regulations where rear or side yards meet in the white space in his presentation. On a question of clarification from Ald. Bruno, Dir. DeGroot stated that a 48" fence is allowed on all corner street yards, even if abutting a front yard.

Kilburg called the question; Seconded by Kosirog.

Roll call:

AYES: 9 (Bruno, Burghart, Kaven, Kilburg, Kosirog, Maladra, Marks, Mayer, Swanson)

ABSENT: 1 (Hruby)

NAYS: 0

MOTION CARRIED

On the approval of Ordinance No. 2022-38 as written:

Roll call:

AYES: 6 (Kaven, Kilburg, Kosirog, Maladra, Marks, Mayer)

ABSENT: 1 (Hruby)

NAYS: 3 (Bruno, Burghart, Swanson)

MOTION CARRIED

Consider Approval of Ordinance No. 2022-39 Granting a Variation to Decrease the Required Street Yard Setback Along East State Street from 20' to 12.5' for PIN 12-02- 380-009 (Proposed Khanna Dentistry).

Moved by Ald. Swanson, seconded by Ald. Marks.

Kristin Madden from Batir Architecture noted that the site is very tight with parking lot curbs to the rear and two side lot lines. Per zoning restrictions, there must be 20 parking spaces for this 5,000 sq. ft. lot. The variation requested is to reduce the front yard setback. On a question from Ald. Marks, Ms. Madden stated that there will be no parking at the front so that sidewalks won't be affected by overhanging cars.

Roll call:

AYES: 9 (Bruno, Burghart, Kaven, Kilburg, Kosirog, Maladra, Marks, Mayer, Swanson)

ABSENT: 1 (Hruby)

NAYS: 0

MOTION CARRIED

Consider Approval of Resolution No. 2022-82 Authorizing the City Administrator to Execute a First Amendment to the Professional Services Agreement with JLD Consulting Group, LLC.

Moved by Ald. Kosirog, seconded by Ald. Mayer.

On a question from Ald. Bruno, Admin. Dawkins stated that the biggest benefit to having a consultant present in Springfield is that they are present right as things are happening and legislation is passed, thereby better representing the City's interests. City staff picking up a phone to contact representatives in Springfield but may not get through in a timely manner. Ald. Dawkins noted that this originally involved the Clean Energy Jobs Act (CEJA) but there have also been successes with state agencies, specifically IDOT in which the City was able to retrieve funding that was previously lost.

Ald. Swanson noted that he originally opposed this project and still does as the issues that led to it were CEJA-related and that is ending. He stated that he likens this to throwing money out of a moving vehicle.

Ald. Maladra stated that to him, the issues involved have not abated, including energy relations and IDOT which require more expertise and attention in Springfield that the City on its own cannot provide.

On a question from Ald. Kosirog, Admin. Dawkins stated that the City has asked to extend the agreement as there are still projects that have not been completed but that there is no telling what the fall legislative session will bring.

On a question from Ald. Kilburg, Admin. Dawkins noted that the City uses Metro West's lobbying for regional issues but the City having its own lobbyist helps with issues specifically related to the City. As the State Street project is becoming a priority in Geneva, the City was able to use the group's services to secure meetings on this topic that the City could not arrange on its own previously.

Roll call:

AYES: 8 (Bruno, Burghart, Kaven, Kilburg, Kosirog, Maladra, Marks, Mayer)

ABSENT: 1 (Hruby)

NAYS: 1 (Swanson)

MOTION CARRIED

PUBLIC COMMENT / NEW BUSINESS

Resident Jeanne McGowan thanked the City for putting the option to opt-out of city-wide mosquito sprayings on the City's website. She noted that this is a step in the right direction but is only a start. She asked that the alderpersons look at the document to determine if the information is being conveyed in a clear and straightforward enough manner and email her to let her know their thoughts.

She noted that she recently attended the Kane County Farm Bureau's invitation to community members to help plant a pollinator garden in the shape of the state of Illinois. Information provided there noted that one of the top three reasons for pollinator decrease is the use of pesticides. She noted that the North Shore Mosquito Abatement District has not used adulticide sprays since 2019 but instead

focus on the larvicide application which is much gentler to the environment. The District offers to help residents with mosquito problems on their property to identify and eliminate mosquito breeding areas.

Paul Darrow of Country Village Meats spoke about how two years ago, he and his wife were searching for a location in Geneva for their butcher shop. They were interested in the building at their current location but realized that there was more renovation work needed than they could afford. They approached the City Council about and received TIF financing. He thanked the City Council for that assistance as they could not have opened this location without that financing. He also thanked Dir. Tymoszenko and City staff for guiding them throughout the process. He stated that not only does his location support his small business but over a dozen other small businesses whose products are sold there. He invited the community to their grand opening on September 29 which kicks off with a ribbon-cutting ceremony at 9:45am and runs for three days.

Resident Adam (no last name given) spoke about the Art on Fire hydrants and noted the Pridrants on the East Side of Geneva. He stated that in the Art on Fire application, three things are prohibited on the hydrants: profanity, advertisements, and political messages. He stated that the Pride flag is a political message as it represents lobby groups which have incorporated several policy changes throughout the country, including the bathroom in City Hall. He noted that there has been vandalism of the hydrant which illustrates someone taking offense to its political statement. He proposed that it not be painted as such.

ADJOURNMENT

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

MOTION CARRIED by unanimous voice vote of those present.
The meeting adjourned at 9:25 PM.

Vicki Kellick
Geneva City Clerk