

## **GENEVA CITY COUNCIL MEETING MINUTES**

**Monday, October 16, 2023**

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

### **CALL TO ORDER**

The October 16, 2023 meeting of the Geneva City Council was called to order at 7:07 p.m. in the Council Chambers of City Hall by Mayor Kevin Burns.

#### **Elected Officials present:**

Alderspersons: Anaïs Bowring, Mike Bruno, Dean Kilburg, Craig Maladra, Richard Marks, Amy Mayer, Martha Paschke, Robert Swanson.

Mayor Kevin Burns, City Clerk Vicki Kellick.

**Elected Officials attending by video or teleconference:** None.

**Elected Officials absent:** Becky Hruby, Brad Kosirog.

**Others Present:** City Administrator Stephanie Dawkins, Assistant City Administrator Ben McCready, City Attorney Scott Fintzen, Electric Division Superintendent Aaron Holton, Street Division Superintendent Nate Landers, Public Works Director Rich Babica, Community Development Director David DeGroot, Finance Director Rita Kruse.

**Others attending by video or teleconference:** None.

### **PLEDGE OF ALLEGIANCE**

The pledge was led by the members of the International Cultural Exchange Committee.

### **PUBLIC HEARINGS, SPECIAL ITEMS AND PRESENTATIONS**

#### **International Cultural Exchange Committee Welcome and Recognition of Geneva High School International Exchange Students**

ICEC President Cynthia Albright introduced the AFS program which has hosted 118 students from 33 countries since 1961 at Geneva High School. Liz Simpson is the AFS advisor at GHS. Committee member Mary Jane Johnson introduced the five students participating in the program this year: Lucy from France, Joachim from Spain, Daniel from Indonesia, Julia from Germany, and Victoria from Iceland. Mayor Burns spoke with each participant and their host families.

### **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.*

\*6. APPROVE SPECIAL CITY COUNCIL MINUTES FROM SEPTEMBER 26, 2023 AND REGULAR CITY COUNCIL MINUTES FROM OCTOBER 2, 2023.  
(Clerk recommends approval)

\*7. REPORTS

a. Revenue Report

COMMITTEE OF THE WHOLE ITEMS OF BUSINESS

Moved by Ald. Marks, Seconded by Ald. Bowring.

Roll call:

AYES: 8 (Bowring, Bruno, Kilburg, Maladra, Marks, Mayer, Paschke, Swanson)

ABSENT: 2 (Hruby, Kosirog)

NAYS: 0

MOTION CARRIED

**MUNICIPAL BILLS FOR PAYMENT: \$4,809,371.56.**

Moved by Ald. Bruno, Seconded by Ald. Marks.

Roll call:

AYES: 8 (Bowring, Bruno, Kilburg, Maladra, Marks, Mayer, Paschke, Swanson)

ABSENT: 2 (Hruby, Kosirog)

NAYS: 0

MOTION CARRIED

**PRESENTATION OF ORDINANCES AND RESOLUTIONS**

Consider Ordinance No. 2023-21 Amending Title 4, Chapter 2 (Liquor Control), Section 13 (License Fees and Number of Licenses) Adding One Class A-5 Liquor License (limited restaurant specialty package alcoholic liquors) for Geneva Ale House, 319 W. State Street.

Moved by Ald. Bruno, Seconded by Ald. Bowring.

Roll call:

AYES: 8 (Bowring, Bruno, Kilburg, Maladra, Marks, Mayer, Paschke, Swanson)

ABSENT: 2 (Hruby, Kosirog)

NAYS: 0

MOTION CARRIED

Consider Resolution No. 2023-108 Authorizing the Issuance of a Certificate of Completion for Fox Valley Commerce Center.

Moved by Ald. Bowring, Seconded by Ald. Marks.

Roll call:

AYES: 8 (Bowring, Bruno, Kilburg, Maladra, Marks, Mayer, Paschke, Swanson)

ABSENT: 2 (Hruby, Kosirog)

NAYS: 0

MOTION CARRIED

Consider Ordinance No. 2023-22 Amending Title 11 (Zoning Ordinance), Chapter 2, Section 2 (Definitions of Words and Terms); Chapter 3, Section 3 (Accessory Buildings and Uses); Article A (Off-Street Parking), Section 2 (Location, Size, and Other Requirements); and Section 3 (Design and Maintenance) of the Geneva City Code.

Moved by Ald. Mayer, Seconded by Ald. Paschke.

On a question from Ald. Bowring, Dir. DeGroot explained that EV charging stations are considered the same as gas stations for zoning purposes because they

both require special use permits, not general permits. By labeling these as special use, the City would have some oversight over the lots and these would not just be allowed in all commercial districts. He stated that properties with vehicle uses such as gas stations or car washes require specific lighting and traffic volumes which may not be the highest and best use for the particular commercial property. On another question by Ald. Bowring, Dir. DeGroot noted that he would have to verify if a gas station and parking lot would have the same special use designation, although parking would be the primary use for a parking lot. On another question by Ald. Bowring, Dir. DeGroot explained that they didn't find any examples elsewhere of EV charging stations as a primary retail use. Ald. Bowring stated that she would rather be more precise in the definition and that she does not feel that EV charging stations should be classified as gas stations. Dir. DeGroot explained that it may be easier to classify such a station as a parking lot as a primary use at this stage as several sections of the ordinance would have to be changed to change the wording.

On a question from Ald. Mayer, Dir. DeGroot confirmed that such a lot is a special use when located in an industrial district.

On a question from Ald. Kilburg, Dir. DeGroot noted that as drafted, an EV charging station would count toward a business' minimum parking requirements under the ordinance.

Ald. Paschke commented that she agreed with Ald. Bowring that it makes more sense to classify such areas as parking lots because it is counterintuitive to classify these as gas stations.

Ald. Bowring moved to amend the wording of the ordinance from "gasoline fueling station" to "parking". Seconded by Mayer.

On a question from Ald. Bruno, Dir. DeGroot stated that he saw no issues with the amendment proposal as it amends the definition that was advertised in the public hearing.

On a question by Ald. Marks, Dir. DeGroot noted that an EV charging station as an accessory use is permitted. When it is the principal use, it should become a special use.

On a question by Ald. Mayer, Dir. DeGroot stated that if a gas station became primarily an EV charging station, there would be nothing that would trigger the gas station to clean up the property of the gas tanks.

Roll call on the amendment:

AYES: 8 (Bowring, Bruno, Kilburg, Maladra, Marks, Mayer, Paschke, Swanson)

ABSENT: 2 (Hruby, Kosirog)

NAYS: 0

MOTION CARRIED

Roll call on the main motion:

AYES: 8 (Bowring, Bruno, Kilburg, Maladra, Marks, Mayer, Paschke, Swanson)

ABSENT: 2 (Hruby, Kosirog)

NAYS: 0

MOTION CARRIED

Consider Resolution No. 2023-109 Rejecting Bids Opened October 2, 2023 for the Old Kirk Road Electric Distribution General Construction Project.

Moved by Ald. Mayer, Seconded by Ald. Bowring.

Roll call:

AYES: 8 (Bowring, Bruno, Kilburg, Maladra, Marks, Mayer, Paschke, Swanson)

ABSENT: 2 (Hruby, Kosirog)

NAYS: 0

MOTION CARRIED

Consider Ordinance No. 2023-23 Restating Title 9 (Municipal Utilities), Chapter 2, Article B, Section 13 (Net Metering Policy) of the Geneva City Code.

Moved by Ald. Marks, Seconded by Ald. Bowring.

On a question from Ald. Mayer, Supt. Holton explained that \$165,000 is the estimate of excess energy that would be pushed back to the system based on 250 interconnected systems. That number is based on the average total received kWh from the approximately 30 current customers. On another question from Ald. Mayer, the excess is not considered waste but is above and beyond the amount used at the time.

On a question from Ald. Swanson, Supt. Holton explained that the excess represents energy that the City would have to purchase elsewhere. However, the amount that the City pays back to the solar customers is more than would be paid on the market or under a power contract. He noted that avoided cost more closely aligns with what the City would be paying on the market for the energy. Ald. Swanson commented that there should be another column in addition to the deficit and fixed cost of energy showing the benefit received by the utility. Supt. Holton stated that that column would appear at the end of the year. Ald. Swanson commented that he doesn't want to disincentivize adding solar installations so early but that he would like to see the threshold doubled and would prefer a 4,000 cap so that 500 customers could move in.

Ald. Paschke stated that the priorities seem to be switching billing over, continuing to incentivize the adoption of solar, and setting the threshold at 2,000 feels too safe in the current environment.

Ald. Bowring stated that her understanding is that the cost of the energy should be the difference between wholesale and retail. On a question by the alderperson, Supt. Holton stated that all energy comes to the City through the PJM marketplace except for what is generated within the City. There is a fixed contract for a large majority of power and contractors compare what the City pays for the energy from suppliers such as Next Era, and what PJM charges for taking the power off the grid. This results in a difference depending upon market forces at the time.

Discussion among alderpersons occurred around raising the threshold of the 2,000 kWh threshold to 4,000. Supt. Holton noted that the increase to 4,000 kWh would have no immediate impact. Ald. Mayer noted that 2,000 kWh equals approximately 1% of the total use.

Ald. Swanson moved to amend the ordinance to adjust the threshold amount from 1% to 2%. Seconded by Bowring.

Ald. Bowring stated that the most compelling cost presented is the fixed cost which is not a huge increase. Ald. Maladra stated that this number will be difficult to change later and that there is no rationale behind changing the amount to 4,000 kWh. Supt. Babica noted that the cost of purchasing different levels of energy was provided in the packet and that 2,000 kWh seemed like the most conservative approach.

Attny. Fintzen commented that he researched the issue of a potential conflict of interest raised by Ald. Kilburg in a previous meeting on this subject. Atty. Fintzen stated that his view based on statutes and case law is that all Councilmembers have an interest in how this issue is resolved. He stated that transparency among the Council and that it is important for anyone to state if they do have an interest in an issue. The question then is: despite one's personal interests, can they make a decision based on what's in the best interest of the public and the public utility? If so, there is no conflict of interest.

Roll call on the amendment:

AYES: 4 (Bowring, Mayer, Paschke, Swanson)

ABSENT: 2 (Hruby, Kosirog)

NAYS: 5 (Bruno, Kilburg, Maladra, Marks, Burns)

MOTION FAILED

Roll call on the main motion:

AYES: 8 (Bowring, Bruno, Kilburg, Maladra, Marks, Mayer, Paschke, Swanson)

ABSENT: 2 (Hruby, Kosirog)

NAYS: 0

MOTION CARRIED

### **PUBLIC COMMENT**

NONE

### **NEW BUSINESS**

NONE

### **ADJOURNMENT**

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

MOTION CARRIED by unanimous voice vote of those present.

The meeting adjourned at 9:01 PM.

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Vicki Kellick  
Geneva City Clerk