



COMMITTEE OF THE WHOLE

Monday, December 16, 2024
immediately following the
City Council Meeting at 7pm

City Hall Council Chamber
109 James Street
Geneva, IL 60134

Ald. Bowring, Chair

AGENDA

- 1. Call to Order**
- 2. Approve Committee of the Whole Minutes from December 2, 2024**
- 3. Items of Business**
 - a. Facilities Community Engagement Phase 3 Update and Discussion
 - b. Consider Resolution Executing Eighth Amendment to Agreement for Sale and Purchase of Electric Capacity and Energy between WM Illinois Renewable Energy, LLC and City of Geneva.
- 4. Public Comment**

When recognized by the Chair, proceed to the podium, state your name for the record, and provide your public comments. Please understand this is your time to be heard and the public body’s time to listen. No discussion or debate will follow.
- 5. New Business**
- 6. Closed Session on Pending Litigation (5 ILCS 120/2(c)(11))**
- 7. Adjournment**

ADA Compliance: Any individual with a disability requesting a reasonable accommodation in order to participate in a public meeting should contact the City at least 48 hours in advance of the scheduled meeting. The City can be reached in person at 22 S First Street, Geneva, IL, or by telephone at (630) 232-7494. Every effort will be made to allow for meeting participation. Notice of this meeting was posted consistent with the requirements of 5 ILCS 120/1 et seq. (Open Meetings Act).

GENEVA COMMITTEE OF THE WHOLE MEETING MINUTES**Monday, December 2, 2024**City Hall Council Chambers
109 James St., Geneva, IL 60134

Elected Officials Present: Mayor Burns, Ald. Bruno, Ald. Hruby, Ald. Kilburg, Ald. Kosirog, Ald. Malecki, Ald. Marks, Ald. Mayer, Ald. Paschke, Ald. Swanson.

Elected Officials Attending by Teleconference: Ald. Bowring.

Elected Officials Absent: Clerk Kellick.

Others Present: City Admin. Dawkins, Asst. City Admin. McCreedy, City Attny. Sandack, Dir. Tymoszenko, Chief Antenore, Asst. Dir. Public Works Landers.

Others attending by video or teleconference: None.

Call to Order

Amy Mayer, serving as chair, called the meeting to order at 8:32 PM noting all council members were present.

Approve Committee of the Whole Minutes from November 18, 2024

Moved by Ald. Paschke, seconded by Ald. Kosirog.

MOTION CARRIED by voice vote 10-0.

Items of Business

Consider Draft Resolution Authorizing the Purchase of Replacement Trench Rescue Struts from Air One Equipment, Inc. in an Amount Not to Exceed \$27,765.

Moved by Ald. Kosirog, seconded by Ald. Maleki.

On a question by Ald. Kosirog, Chief Antenore explained that the rescue struts are hydraulic and work to keep the earth from caving in. He noted that of all rescues, trench rescue is the most likely because of the amount of digging done in the City. On another question, he explained that the struts were last employed in April during drill training and the parts were found to be obsolete and in need of replacement.

MOTION CARRIED by voice vote 10-0.

Consider Draft Resolution Authorizing the Purchase of Replacement Ballistic Personal Protective Equipment from Streicher's Milwaukee in an Amount Not to Exceed \$32,310.

Moved by Ald. Paschke, seconded by Ald. Marks.

On a question by Ald. Kilburg, Chief Antenore noted that because the equipment has reached the end of its useful life, it likely cannot be donated, but the department could look further into that option.

On a question by Ald. Paschke, Chief Antenore explained that the department bought the first set of equipment in 2018 that had a 5-year warranty on all parts. They attempted to get a 10-year warranty on all pieces but such a warranty on a helmet was expensive and not a good use of funds. The helmets will be replaced after five years.

On a question by Ald. Mayer, Chief Antenore explained that these are for use specifically in potential gunfire or knife situations.

MOTION CARRIED by voice vote 10-0.

Consider Draft Resolution Authorizing Execution of an Economic Development Incentive Agreement By and Between the City of Geneva and Fox River Post 75 American Legion, 22 S. Second Street, Geneva, IL.

Moved by Ald. Kilburg, seconded by Ald. Paschke.

On a question by Ald. Hruby, Dir. Tymoszenko explained that over the past 12 months, the City has worked with property owners that planned investments in, or changes-of-use or upgrades to their properties. She noted that the City worked to generate interest in the program and made efforts to make owners, brokers, and end-users aware of the opportunity.

On a question by Ald. Marks, Admin. Dawkins noted that the City is making every effort to ensure that all funds from AARPA will be spent.

Roll call:

AYES: 11 (Bowring, Bruno, Hruby, Kilburg, Kosirog, Malecki, Marks, Mayer, Paschke, Swanson, Mayor Burns)

ABSENT: 0

NAYS: 0

MOTION CARRIED

Consider Draft Resolution Authorizing Execution of an Economic Development Incentive Agreement By and Between the City of Geneva and Charles F. Sansone Revocable Trust for 214-218 W. State Street, Geneva, IL.

Moved by Ald. Bruno, seconded by Ald. Swanson.

Roll call:

AYES: 11 (Bowring, Bruno, Hruby, Kilburg, Kosirog, Malecki, Marks, Mayer, Paschke, Swanson, Mayor Burns)

ABSENT: 0

NAYS: 0

MOTION CARRIED

Consider Draft Resolution Authorizing Execution of an Economic Development Incentive Agreement By and Between the City of Geneva and Charles F. Sansone Revocable Trust for 220-222 W. State Street, Geneva, IL.

Moved by Ald. Swanson, seconded by Ald. Kilburg.

Roll call:

AYES: 11 (Bowring, Bruno, Hruby, Kilburg, Kosirog, Malecki, Marks, Mayer, Paschke, Swanson, Mayor Burns)

ABSENT: 0

NAYS: 0

MOTION CARRIED

Consider Draft Resolution Authorizing Execution of an Economic Development Incentive Agreement By and Between the City of Geneva and Charles F. Sansone Revocable Trust for 306-318 W. State Street, Geneva, IL.

Moved by Ald. Bruno, seconded by Ald. Paschke.

On a question by Ald. Kilburg, Dir. Tymoszenko explained that this is a reimbursement program in which the City provides the funds at the end of the project. Grantees have only nine months to utilize the funds. Additionally, most projects must have a permit pulled and will require final approval from the building commissioner and/or fire department. Lein wavers and proof of payment are also required. She added that if a project doesn't move forward, the funds can be reallocated within the parameters of the project.

Roll call:

AYES: 11 (Bowring, Bruno, Hruby, Kilburg, Kosirog, Malecki, Marks, Mayer, Paschke, Swanson, Mayor Burns)

ABSENT: 0

NAYS: 0

MOTION CARRIED

Consider Draft Resolution Authorizing Execution of an Economic Development Incentive Agreement By and Between the City of Geneva and Niche Restaurant, LLC for 12 S. Third Street, Geneva, IL.

Moved by Ald. Swanson, seconded by Ald. Kosirog.

On a question by Ald. Bruno, Dir. Tymoszenko explained that the additional space will consist of a retail experience compatible with Niche's offerings, including the selling and tasting of their spirits and specializations. The space may also be used for additional dining.

Roll call:

AYES: 11 (Bowring, Bruno, Hruby, Kilburg, Kosirog, Malecki, Marks, Mayer, Paschke, Swanson, Mayor Burns)

ABSENT: 0

NAYS: 0

MOTION CARRIED

Consider Draft Resolution Authorizing Execution of an Economic Development Incentive Agreement By and Between the City of Geneva and Nick Nicolaou and Jim Nicolaou for 427 E. State Street, Geneva, IL.

Moved by Ald. Swanson, seconded by Ald. Malecki.

Roll call:

AYES: 11 (Bowring, Bruno, Hruby, Kilburg, Kosirog, Malecki, Marks, Mayer, Paschke, Swanson, Mayor Burns)

ABSENT: 0

NAYS: 0

MOTION CARRIED

Consider Draft Resolution Authorizing Execution of an Economic Development Incentive Agreement By and Between the City of Geneva and Goodlove, LLC for 101 S. Third Street, Geneva, IL.

Moved by Ald. Bruno, seconded by Ald. Paschke.

Roll call:

AYES: 11 (Bowring, Bruno, Hruby, Kilburg, Kosirog, Malecki, Marks, Mayer, Paschke, Swanson, Mayor Burns)

ABSENT: 0

NAYS: 0

MOTION CARRIED

Consider Draft Resolution Authorizing the Purchase of Scarborough Litters from Landscape Forms at a Cost Not to Exceed \$52,410.

Moved by Ald. Kosirog, seconded by Ald. Kilburg.

MOTION CARRIED by voice vote 10-0.

Public Comment

None.

New Business

Ald. Malecki thanked Ald. Swanson for recently locating several volunteers to help neighbors on the east side of the City. He thanked the Batavia Rotary Club, the Geneva High School DECA Club, various neighbors of Geneva East, and Geneva businessman Joe McMahon who helped to clean the yard of an elderly couple on Thanksgiving morning.

Ald. Kilburg congratulated the Geneva High School football team on making it to the championship in Normal. He acknowledged their loss but thanked them for representing the community well and noted that the Vikings scored more points than any other team against East St. Louis this year.

Adjournment

On a motion by Ald. Malecki, the meeting was adjourned by unanimous voice vote at 9:20 PM.

- Submitted by Clerk Kellick



AGENDA ITEM EXECUTIVE SUMMARY

Agenda Item:	Agreement for Sale and Purchase of Electric Capacity and Energy		
Presenter & Title:	Aaron Holton, Superintendent of Electrical Services		
Date:	January 6, 2025		
Please Check Appropriate Box:			
<input checked="" type="checkbox"/>	Committee of the Whole Meeting	<input type="checkbox"/>	Special Committee of the Whole Meeting
<input checked="" type="checkbox"/>	City Council Meeting	<input type="checkbox"/>	Special City Council Meeting
<input type="checkbox"/>	Public Hearing	<input type="checkbox"/>	Other -
Associated Strategic Plan Goal/Objective: EMS-II			
Estimated Cost: \$34.00/MWh for 2025/26	Budgeted?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Other Funding? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<i>If "Other Funding," please explain how the item will be funded:</i>			
Executive Summary:			
<p>The current contract between the City of Geneva and WM Illinois Renewable Energy, LLC, for the output from the landfill gas electric generation facility located at Settlers Hill, expires on December 31, 2024. Negotiations with Waste Management to extend the "Agreement for Sale and Purchase of Electric Capacity and Energy", for the years 2025 and 2026 and have resulted in an agreement in principal as follows:</p> <ul style="list-style-type: none"> • Current contract ends December 31, 2024 at \$42.00/MWh. • Proposed contract extension at \$34.00/MWh for 2025 and 34.00/MWh for 2026 <p>The lower cost-per-MWh are a result of a less volatile energy market as compared to previous negotiations in 2022.</p>			
Attachments: <i>(please list)</i>			
<ul style="list-style-type: none"> • Resolution • Proposed Eighth Amendment 			
Voting Requirements:			
<p><i>This motion requires a simple majority of affirmative votes for passage. (City Council Only)</i></p> <p><i>The Mayor may vote on three occasions: (a) when the vote of the alderpersons has resulted in a tie; (b) when one half of the alderpersons elected have voted in favor of an ordinance, resolution, or motion even though there is no tie vote; or (c) when a vote greater than a majority of the corporate authorities is required by state statute or local ordinance to adopt an ordinance, resolution, or motion.</i></p>			
Recommendation / Suggested Action: <i>(how the item should be listed on agenda)</i>			
Approve Resolution Executing Eighth Amendment to Agreement for Sale and Purchase of Electric Capacity and Energy between WM Illinois Renewable Energy, LLC and City of Geneva.			

RESOLUTION NO. 2025-__

**RESOLUTION AUTHORIZING EXECUTION OF
EIGHTH AMENDMENT TO AGREEMENT FOR THE SALE AND PURCHASE
OF ELECTRIC CAPACITY AND ENERGY**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GENEVA, KANE COUNTY, ILLINOIS, as follows:

SECTION 1: That the City Administrator is hereby authorized to execute, on behalf of the City of Geneva, the Eighth Amendment to Agreement for Sale and Purchase of Electric Capacity and Energy, in the form attached hereto, relating to the WM Illinois Renewable Energy, LLC, landfill gas generation, located at Settlers Hill.

SECTION 2: This Resolution shall become effective from and after its passage as in accordance with law.

PASSED by the City Council of the City of Geneva, Kane County, Illinois, this 6th day of January, 2025

AYES: __ NAYS: __ ABSENT: __ ABSTAINING: __ HOLDING OFFICE: __

Approved by me this 6th day of January, 2025.

Mayor

ATTEST:

City Clerk

EIGHTH AMENDMENT TO
AGREEMENT FOR THE SALE AND PURCHASE OF ELECTRIC
CAPACITY AND ENERGY

This Eighth Amendment ("Eighth Amendment") to the Agreement for the Sale and Purchase of Electric Capacity and Energy dated December 31, 2007 (the "Agreement") is entered into as of the 31st day of December, 2024, by and between WM Illinois Renewable Energy, L.L.C., an Illinois limited liability company with principal offices located at 1001 Fannin Street, Houston, Texas 77002 prior to January 1, 2021 and 800 Capitol Street, Suite 3000, Houston, TX 77002 ("Seller"), and the City of Geneva, an Illinois municipal corporation with principal offices located at 22 South 1ST Street, Geneva, Illinois 60134, ("Buyer"). Unless otherwise defined herein, capitalized terms shall be given their respective meanings as set forth in the Agreement and the first seven amendments to the Agreement, as described below.

RECITALS

WHEREAS, Seller is the owner of a small power production facility ("Facility") that is fueled by landfill gas and is located at 1031 East Fabyan Parkway, Batavia, Illinois 60510;

WHEREAS, Buyer is a municipal electric utility that owns, operates, and maintains an electric distribution system and provides electric service within the City of Geneva, Illinois;

WHEREAS, the Facility is interconnected with Buyer's electric distribution system;

WHEREAS, Buyer purchases electric energy from Seller pursuant to the Agreement;

WHEREAS, Buyer and Seller executed a First Amendment to the Agreement dated December 31, 2010;

WHEREAS, Buyer and Seller executed a Second Amendment to the Agreement dated December 31, 2012;

WHEREAS, Buyer and Seller executed a Third Amendment to the Agreement dated December 31, 2014;

WHEREAS, Buyer and Seller executed a Fourth Amendment to the Agreement dated December 31, 2016;

WHEREAS, Buyer and Seller executed a Fifth Amendment to the Agreement dated December 31, 2018;

WHEREAS, Buyer and Seller executed a Sixth Amendment to the Agreement dated December 31, 2020;

WHEREAS, Buyer and Seller executed a Seventh Amendment to the Agreement dated December 31, 2022;

WHEREAS, Buyer and Seller wish to amend the Agreement as set forth below in this Eighth Amendment;

NOW, THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, Buyer and Seller agree as follows:

1. Article 2 of the Agreement is amended to read:

The Term of this Agreement shall begin at 12:01 A.M. on January 1, 2025 and, unless terminated earlier as provided herein, shall end at 11:59 P.M. on December 31, 2026.

2. Article 4 is deleted in its entirety and replaced by the following:

For each megawatt-hour of Energy delivered to Buyer hereunder, including the associated Capacity, (a) commencing at 12:01 A.M. on January 1, 2025, Buyer shall pay Seller the sum of Thirty Four Dollars and 0 cents (\$34.00), prorated to reflect delivery of less than a full megawatt-hour of Energy.

3. This Eighth Amendment may be executed in one or more counterparts, each of which will be deemed to be an original and all of which, when taken together, will be deemed to constitute one and the same amendment.
4. This Eighth Amendment shall be effective immediately upon execution by both Buyer and Seller.
5. Except as specifically provided in this Eighth Amendment, the Agreement as previously amended, is ratified and confirmed in each and every respect, and the Agreement continues to be in full force and effect.

[Signature Page Follows]

IN WITNESS WHEREOF, Buyer and Seller have executed this Eighth Amendment as of the date first set out above.

WM ILLINOIS RENEWABLE ENERGY, L.L.C.

By: Signed by:
Shahid Malik
1DF574C70D03423...
Name: Shahid Malik
Title: Vice President

CITY OF GENEVA, ILLINOIS

Attest: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____