

CITY OF GENEVA COUNCIL MEETING

January 18, 2022

All attendees are required to wear a face covering at all City facilities regardless of vaccination status. Meetings are livestreamed for 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 the [Notice-Regarding-Meeting-And-Public-Comment \(geneva.il.us\)](https://www.geneva.il.us/Notice-Regarding-Meeting-And-Public-Comment)

CALL TO ORDER

The Geneva City Council meeting was called to order by Mayor Kevin Burns at 7:00 p.m.

Elected Officials present:

Aldermen: Tara Burghart, Becky Hruby, Gabriel Kaven, Dean Kilburg, Brad Kosirog, Craig Maladra, Richard Marks, Robert Swanson.

Mayor Kevin Burns

Elected Officials attending by video or teleconference: Ald. Amy Mayer, City Clerk Roger Godsken

Elected officials absent: Ald. Mike Bruno

Others Present: City Administrator Stephanie Dawkins, Assistant City Administrator Ben McCready, Community Development Director David DeGroot, City Atty. Ron Sandack

Others attending by video or teleconference:

Pledge of allegiance led by Craig Maladra

Mayor Burns noted that today was the 100th birthday of Geneva resident Beulah Rees. Burns joined Alderman Craig Maladra & scores of neighbors in the Allendale neighborhood to wish Ms. Drees a Happy 100th Birthday & proclaim January 18, 2022 as “Beulah Drees Day in The City of Geneva”. Among her many life-time pursuits, Ms. Rees helped build bombers for the US Army during World War II.

3. PUBLIC HEARINGS, SPECIAL ITEMS AND PRESENTATIONS

a. Public Hearing on Vacating and Selling Colony Drive, a Public Right-of-Way Located in Westhaven of Geneva Subdivision

Moved by Ald. Maladra seconded by Ald. Kaven to open the public hearing.

MOTION CARRIED by unanimous voice vote 9/0 with one absence.

Attorney John Philipchuck, representing Ann Marren, owner of Lot 19 (278 Westhaven Circle), presented their case, describing the maintenance that Marren and another neighbor had done to the property since 1994, and that he felt Marren deserved to receive the property at little or no cost based on past maintenance as well as costs she had incurred in her goal to acquire the property. He expressed his hope that the Council would vote to approve the vacation and have the ownership of the property given to Marren.

David Durovey, owner of Lot 18 (290 Westhaven Circle, adjacent to the property on the opposite side from Mrs. Marren, noted that he had also been maintaining the property for some 25 years. Durovey added that it was him who originally planted, watered and fertilized grass seed on the property after construction was completed on the area. Durovey stated that after communication with City Staff, he understood that he also had a right to acquire the property and said that he

would like half of it. He added that Marren had agreed with his request, that there was no value to the property for the city and that vacating the property would be of benefit to the city.

Atty. Philipchuck responded that if Durovey wanted half the property, then he should agree to split all costs incurred by Marren in her quest to acquire the property, including his legal fees.

Durovey responded that he had no desire to spend any money on it, but that he could negotiate with Marren on the matter without the city's involvement.

City Atty Sandack noted that there was only one petitioner identified on the matter, and that anything else would be outside of tonight's agenda. If the decision to vacate is granted, the city could put stipulations on any final paperwork to divide the property. Mayor Burns added that tonight's agenda item was only to determine whether the city would vacate the land.

There being no further public comment on line or in chambers:

Moved by Ald. Kosirog seconded by Ald. Marks to close the public hearing.

MOTION CARRIED by unanimous voice vote 9/0 with one absence.

b. Introduce Video Technician Marissa Walker

Mayor Burns introduced Marissa Walker, who reported that she was a native of Geneva, having grown up here and graduating from GHS. She earned a degree at Bradley University, and recently took the position with the city. Walker described her role, which also includes resolving technical issues and handling the video for additional meetings besides the City Council and COW.

4. AMENDMENTS TO AGENDA

None

5. OMNIBUS AGENDA

All Items listed on the Omnibus Agenda 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.

Moved by Ald. Marks, seconded by Ald. Burghart to approve the agenda as presented.

Roll Call:

AYES: 9 (Ald. Burghart, Hrubby, Kaven, Kilburg, Kosirog, Maladra, Marks, Mayer, Swanson)

ABSENT: 1 (Bruno)

NAYS: 0 MOTION CARRIED

***6. Approve Regular City Council Minutes from December 6, 2021. (Clerk Recommends Approval)**

Moved by Ald. Marks, seconded by Ald. Burghart to approve the measure as presented. Approved by unanimous roll call vote 9/0 with one absence. (Omnibus Agenda). MOTION CARRIED

***7. APPROVE REPORTS**

- a. Tax Revenue Report
- b. Financial Report for November 2021

Moved by Ald. Marks, seconded by Ald. Burghart to approve the measure as presented.
Approved by unanimous roll call vote 9/0 with one absence. (Omnibus Agenda). MOTION CARRIED

8. COUNCIL COMMITTEES

None

9. OTHER ITEMS AND CORRESPONDENCE

None

10. MUNICIPAL BILLS FOR PAYMENT

City of Geneva Expenditures - 01/18/2022 \$ 2,593,195.28
Manual Check(s) –
Utility Billing Refund(s) 161.40
Misc. Refund(s) –
Sales Tax Abatement –
City of Geneva Payroll 790,306.67
Tri-Com Expenditures - 01/18/2022 – Tri-Com Payroll 143,686.79

Total Expenditures \$ 3,527,350.14

Moved by Ald. Burghart, seconded by Ald. Swanson to approve the bills as presented.

Roll Call:

AYES: 9 (Ald. Burghart, Hrubby, Kaven, Kilburg, Kosirog, Maladra, Marks, Mayer, Swanson)

ABSENT: 1 (Bruno)

NAYS: 0 MOTION CARRIED

11. COMMITTEE OF THE WHOLE ITEMS OF BUSINESS

None

12. PRESENTATION OF ORDINANCES, RESOLUTIONS, PETITIONS, BIDS

a. Recommend Approval of Ordinance No. 2022-01 Vacating and Selling Colony Drive, a Public Right-of-Way Located in Westhaven of Geneva Subdivision.

Moved by Ald. Maladra, seconded by Ald. Marks to consider the motion as presented.

Adm. Dawkins gave a recap of the process to vacate the property if approved, and the steps necessary.

Ald. Maladra felt since the property was not a buildable lot, that no use for it had been contemplated since 1992, the city would not get any value out of it. In his mind, although there was a potential dollar value to it, he was in favor of the vacation.

Ald. Kosirog asked how the legal process would work, since there is now a second neighbor interested in the property. Mr. Durovey stated that although he discovered he had some right to the property and he had also spent significant effort and money maintaining the property, he had no use for it.

Burns reiterated that there is only one official petitioner this evening and if Marren and Durovey wanted to discuss a deal, that could be considered, but there is no standing tonight by Durovey and the council could not grant it to him tonight. Atty. Sandack added the neighbors could negotiate afterward if the council votes to vacate. Kosirog reiterated Durovey's statement that he

didn't want to spend any money on it, asked if the city would incur any additional expense selling it to two parties, and was told it would not.

Durovey stated his understanding that if vacated, the city would grant it to both neighbors. DeGroot clarified that notification was limited to the two adjacent neighbors.

Ald. Mayer clarified what was being considered tonight, and asked if the city needed to split the property. Sandack felt the city did not need to do anything tonight, and he and Burns clarified to Durovey that it might be fair to split the cost with Marren, to work with Marren and that he could make an offer to the city for some amount. After discussion to clarify to Durovey what the process was, he stated that to ease the process, he would step out and withdraw his interest in obtaining part of the property.

Ald. Mayer agreed with Maladra, that the property was of no value to the city and the council should vote to vacate to Marren.

Ald. Burghart felt that since there appeared to be confusion on the part of Durovey as to his rights in the matter, that the decision to vacate should be delayed in order to grant more time for allow Durovey to explore his options to acquire the property.

12.a.1. Motion to Postpone Approval of Ordinance No. 2022-01 until a date certain of January 24, 2022.

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

Burns asked if notification of availability of the property to the neighbors therefore made them petitioners. Atty. Sandack responded no, and outlined the process they would need to follow to become a petitioner.

Ald. Kaven noted Durovey stated he didn't want to spend any money, and was in favor of moving forward with the vote to vacate tonight to avoid any additional work by city staff and the council, since it would likely be the same issue that needed to be considered if brought back next week.

Ald. Maladra felt that since Durovey stated he felt he'd been put on the spot, that time should be given for the neighbors to discuss an agreement, and was in favor of the postponement.

Ald. Kilburg asked for the dates of notifications sent to Durovey and questioned why he had not expressed any interest until tonight. Durovey responded that his understanding of the matter was not clear, and reiterated the he had no further interest in obtaining any of the property, and felt Marren should receive the property.

There being no further comment or questions, the motion to postpone was put to a vote:

Roll Call:

AYES: 2 (Ald. Burghart, Kosirog)

ABSENT: 1 (Ald. Bruno)

NAYS: 7 (Ald. Hruby, Kaven, Kilburg, Maladra, Marks, Mayer, Swanson) MOTION FAILED

Returning to discussion of the original motion:

Ald. Hruby asked for and received clarification that if the city agreed to sell the property for \$3,500 as presented on the agenda tonight, that Marren was the only eligible purchaser.

Ald. Swanson felt that \$3,500 was very low for such property, and compared it to other vacant land in Geneva for sale at much higher prices. He would prefer that the sale price be higher commensurate to other properties.

Ald. Burghart asked for clarification why only neighboring property owners were eligible to purchase, Atty. Sandack confirmed that this is by statute and DeGroot clarified what the term adjoining refers to. Burghart added that she also felt \$3,500 was too low a price.

Ald. Maladra felt that since the property has no value to the city, that any price for it would be fair and that insisting on a high price does not represent the true value.

Ald. Kosirog asked for an updated plat of survey, which had been provided by the petitioner. Adm. Dawkins displayed that on the overhead projection which showed the easements Kosirog asked about, and asked for clarification about the size of the easements, which DeGroot explained.

Atty. Philipchuck added that the petitioner was fine with the easements. He added further that the city didn't buy the lot, got it for free and had not had to maintain it for all these years. He also added that Marren would stop maintaining the property and shoveling the snow if the city failed to vacate it to her, and then the city would be responsible for this. Also, that if Marren got the property and added an addition to her home, this would likely result in a higher tax benefit to the city.

Kosirog asked why Marren had not acted to obtain the property for all these years, to which she responded that she and Durovey had been maintaining it, including shoveling snow to make it safe for children walking to school, that she had had no time to pursue purchasing the property over all that time. However, if she considered selling her house, perhaps in the next five years, that this should be resolved for future homeowners so it would become useable land for them. She also added she was interested in getting the land so nobody else could purchase it.

Kosirog also asked how the property PIN would be addressed, Atty. Philipchuck would recommend Marren have it added to her property.

Kaven reiterated that the neighbors had been maintaining it for 25 years, and felt the city shouldn't have to worry about it any longer.

Burghart asked how the offer of \$3,500 was determined. Marren said it was based on the administrative cost to the city and what would be a reasonable price to cover the city's cost.

Kilburg asked where the figure came from, and that it appeared it was given to her by someone. Burns noted that the city had rejected Maren's \$2,500 offer, and she came back with \$1,000 more.

Marren did not answer where she got the \$2,500 figure, but responded describing the costs she had incurred by voluntarily maintaining the property over the years and said she was upset at the city's set value of \$40,000, so came back with what she felt a reasonable offer of \$2,500, and her Atty felt that only a maximum \$3,500 offer was fair. She reiterated why she wanted it to come to a conclusion now.

Kilburg asked if she had ever contacted the city about maintaining the property, adding that he has shoveled sidewalks for 35 years so kids could safely walk to school but didn't expect the city to do it, and to feel the city owed an obligation to Marren should not enter into the discussion. Marren didn't have a real answer for not pursuing it before, but felt a high value from the city was not fair and that she had maintained the property because she felt it was the right thing to do. Kilburg added that if she did that out of the goodness of her heart, fine, but to say that she should now be compensated with a low price for the property as a result presented a challenge to him.

Ald. Marks noted that if the council members felt that the \$3,500 offer was too low, they should vote against it. He added that he felt this price was too low for the property.

Ald. Maladra felt the property has no value to the city and noted the potential for negative optics if the council voted not to sell it.

Ald. Mayer felt the topic has been discussed for a long time, and that it would be good to get it over with. She added she is in favor of approving the vacation.

Kosirog added he is in favor of approving the vacation.

There being no further comment or questions, the matter was put to a vote: Mayor Burns noted that the matter required a ¾ majority equaling 8 votes to pass, and that he would be voting on the issue.

Roll Call:

AYES: 7 (Ald. Burghart, Hruby, Kaven, Kosirog, Maladra, Mayer, Mayor Burns)

ABSENT: 1 (Ald. Bruno)

NAYS: 3 (Ald. Kilburg, Marks, Swanson) MOTION FAILED

13. NEW BUSINESS AND PUBLIC COMMENT

Asst. City Administrator Ben McCready introduced Lauren Maxwell, of the Geneva Public Library who described the One Book/One Community program sponsored by the library. The book selected for the program is The Good Neighbor, by Maxwell King, which describes the life and contribution of Fred Rogers, popularly known as Mr. Rogers. Maxwell said that over 600 copies of the book had been distributed for free, thanks to sponsorship by the Friends of the Library. The book is also available for both digital and hard-copy check-out from the library. She encouraged everyone to read it, and invited the community to a presentation by the author on January 30. Maxwell added that another project would be held on February 23, and a book festival on February 27.

Ald. Hruby and Burghart mentioned how much Mr. Rogers had meant to them, and Kosirog thanked Maxwell and asked how to obtain kindle accessible copies of the book. Asst. City Administrator McCready thanked Maxwell and the library for the project.

David Durovey asked who at the city should be contacted to begin maintaining the Colony Drive property and about ordinances pertaining to grass height. Mayor Burns directed Mr. Durovey to contact Public Works Director Rich Babica, provided the phone number and answered his question about grass length from the ordinance.

A member of the public who identified himself as resident of the neighborhood, (no name given), and Mr. Durovey asked who at the city would now be responsible for shoveling snow on (the sidewalk of) the Colony Drive property. Mayor Burns and Adm. Dawkins explained that the city does not shovel sidewalks, other than in special service areas (SSA's), and those residents pay a fee for that. Dawkins added that neighbors shovel sidewalks if they want them cleared.

Mr. Durovey asked why the city does shovel the downtown Main Street area, and Burns explained that area is dictated by SSA #1 which covers sidewalks, whereas the SSA for the Colony Drive neighborhood does not.

No other comments were made in chambers, and no comments were noted via the online system.

RECESS THE CITY COUNCIL MEETING UNTIL COMPLETION OF THE COW

Mayor Burns requested in order to make it easier and avoid the need to vacate the chambers for a closed session, that the city council be recessed until the completion of the COW. At that time, the city council meeting would continue.

a. Motion to recess the city council meeting until completion of the COW.

Moved by Ald. Maladra, seconded by Ald. Marks to approve the motion as presented.

MOTION CARRIED by unanimous voice vote 9/0 with one absence.

(NOTE: The city council meeting recessed from approximately 8:40 PM until 8:55 PM.)

b. Motion to return to the city council meeting after completion of the COW.

Moved by Ald. Swanson, seconded by Ald. Marks to approve the motion as presented.

MOTION CARRIED by unanimous voice vote 8/0 with two absent. (Bruno absent, Mayer-temporarily disconnected due to technical issue)

14. CLOSED SESSION ON PENDING LITIGATION

Moved by Ald. Marks, seconded by Ald. Kaven to adjourn to closed session.

Roll Call:

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

ABSENT: 2 (Bruno absent, Mayer-temporarily disconnected due to technical issue)

NAYS: 0 MOTION CARRIED

(NOTE: The council meeting adjourned to closed session at 8:59 PM and returned to open session at 9:06 PM.)

15. OPEN SESSION TO RECOMMEND SETTLEMENT OF WORKERS' COMPENSATION CLAIMS.

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

There being no comment or questions, the matter was put to a vote.

Roll Call:

AYES: 9 (Ald. Burghart, Hrubby, Kaven, Kilburg, Kosirog, Maladra, Marks, Mayer, Swanson)

ABSENT: 1 (Bruno)

NAYS: 0 MOTION CARRIED

16. ADJOURNMENT

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

MOTION CARRIED by unanimous voice vote 9/0 with one absence.

The meeting adjourned at 9:09 PM.

City Clerk
Roger Godskesen