



22 S. First St.  
Geneva, IL 60134

December 15, 2022

To: Rodney Nelson  
[rbn3@aol.com](mailto:rbn3@aol.com)

Dear Dr. Nelson,

On November 12, 2022 (deemed received in this office on November 14, 2022) you requested "February 2022 closed session tapes from the City Council and COW".

Your request is denied. The audio files for these meetings were approved for destruction on November 7, 2022 by the City Council and therefore do not exist.

You have a right to have your request reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General. 5 ILCS 140/9.5(a). You can file your Request for Review with the PAC by writing to:

Public Access Counselor  
Office of the Attorney General  
500 South 2<sup>nd</sup> Street  
Springfield, Illinois 62706  
Fax: 217-782-1396  
E-mail: [publicaccess@atg.state.il.us](mailto:publicaccess@atg.state.il.us)

You also have a right to seek judicial review of your request by filing a lawsuit in the State circuit court. 5 ILCS 140/11.

If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of this denial letter. 5 ILCS 140/9.5(a). Please note that you must include a copy of your original FOIA request and this letter when filing a Request for Review with the PAC.

Sincerely,

Jeanne Fornari  
FOIA Officer

**GENEVA COMMITTEE OF THE WHOLE MEETING MINUTES**

**Monday, November 7, 2022**

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

Elected Officials Present: Mayor Burns, Ald. Bruno, Ald. Kaven, Ald. Kilburg, Ald. Maladra, Ald. Marks, Ald. Mayer, Ald. Swanson, Clerk Kellick.

Elected Officials Attending by Teleconference: Ald. Hruby.

Others Present: City Admin. Dawkins, Asst. City Admin. McCreedy, City Attny. Sandack, Supt. Holton, Dir. Babica, Dir. Tymoszenko, Dir. Kruse

Absent: Ald. Burghart, Ald. Kosirog.

**Call to Order**

Council member Gabriel Kaven, serving as chair, called the meeting to order at 7:34 PM noting all council members except for Ald. Burghart and Ald. Kosirog were present, with Ald. Hruby attending via teleconference.

**Recommend Suspending the Rules to Permit Council Member Kaven to Chair this Meeting and to Vote on All Action Items on this Agenda.**

Moved by Ald. Marks, seconded by Ald. Mayer.

Voice Vote: 7-0 (Burghart and Kosirog absent from voting, Kaven abstaining).

MOTION CARRIED.

**Approve Special Committee of the Whole Minutes from October 10, 2022 and Regular Committee of the Whole Minutes from October 17, 2022.**

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

MOTION CARRIED unanimously by voice vote of those present 8-0.

**Items of Business**

**Consider Approval of Draft Resolution Authorizing Execution of a Contract with Municipal Well & Pump at a Cost Not-to-Exceed \$258,210.00 for Well No. 6 Rehabilitation.**

Moved by Ald. Mayer, seconded by Ald. Marks.

On a question from Ald. Kilburg, Dir. Babica noted that this issue is an isolated incident and has nothing to do with the water table and aquifer in the area. On another question, Dir. Babica commented that the depth of wells varies and that he would provide the depth information to the City Council the following day.

MOTION CARRIED unanimously by voice vote of those present 8-0.

Consider Approval of Draft Resolution Waiving Competitive Bidding and Authorize Execution of a Contract with Municipal Well & Pump at a Cost Not-to-Exceed \$31,990.00 for Well No. 8 Treatment Process.

Moved by Ald. Marks, seconded by Ald. Mayer.

MOTION CARRIED unanimously by voice vote of those present 8-0.

Consider Draft Resolution Executing 7th Amendment to Agreement for Sale and Purchase of Electric Capacity and Energy with WM Illinois Renewable Energy, LLC for the Years 2023 and 2024.

Moved by Ald. Mayer, seconded by Ald. Marks.

On a question from Ald. Mayer, Supt. Holton stated that the electric price to be paid by the City will increase from \$32 per MWh to \$42 per MWh starting January 1, 2023 and will remain so through the end of 2024.

On a question from Ald. Kilburg, Supt. Holton noted that output is dropping off quickly so it would be good if the City gets another five years out of this.

MOTION CARRIED unanimously by voice vote of those present 8-0.

Consider Draft Resolution Establishing Basic Parameters for a Public Private Partnership and a Redevelopment Agreement to Induce a Mixed Use (Commercial-Residential Building) Building at 122 E. State and 130 E. State Street.

Moved by Ald. Mayer, seconded by Ald. Marks.

Dir. Tymoszenko introduced a project in the preliminary planning stages and presented a request for TIF assistance for the project. Josh Voit of Emerald Real Estate Holdings and Steve Chirico, owner and founder of Great Western Flooring, are both part of the development team for the project and spoke about the plans for building. Mr. Voit stated that the project at the northwest corner of State and

Crissey would be a mixed-use building with 12 multi-family units on 2 floors above 6,000 sq. ft. of space for retail stores. Eight of the units would be one-bedroom units and four would be two-bedroom units. Mr. Voit expressed the desire to consider one affordable housing unit per floor. Great Western Flooring would be an anchor tenant comprising 65% of the ground floor retail space. Mr. Voit explained that this location works well for this project as the State Street location is beneficial for retail, while residential-use property is located to the north. He noted that the proximity to downtown and the river make this a perfect location for this mixed-use property.

Mr. Voit further explained that the building would abut State Street with parking in the back of the building. The design of the building will appear older and restored so that it blends in with the other local area architecture.

On a question from Ald. Bruno, Mr. Voit confirmed that this building will be elevated. Mr. Voit confirmed that there is a significant downward gradient to the lot. One of the challenges to the site is the grading of the lot from a drainage perspective and plans to build a retaining wall next to the attorney's office next door. The building will not follow the grade. To do so would be less expensive but the commercial area on the right side of the building would then be unusable. Mr. Voit also explained that the building will be 37-feet high with a decorative parapet wall to hide utilities at the top of the building.

A similar project in Naperville featured 8,000 sq. ft. of retail space on the ground floor and 8 luxury rental residences above. This project was completed in October 2018. Great Western Flooring is an anchor unit there and a dental office is now located in one of the units. The building shares an alley with million-dollar homes and the impact to the neighborhood has been almost zero, with support from the community. While those are luxury rental units, Mr. Voit commented that the goal of the Geneva building is to keep rents in the low \$2,000's on the lower end to \$2,900 for a 2-bedroom.

Mr. Chirico then spoke about Great Western Flooring and commented that the business has been in the area since 1988 and was in Geneva for 10 years before moving for a larger space. He noted that this is a destination business with exclusive products and is a low-traffic business. He noted that there may be 30 customers at most in a day. As a destination business, the location on State and Crissey works well. The business has no deliveries, very little lighting and traffic needs and isn't open late so it works well in the proposed location. He stated that

he is confident that a similar business such as a plumbing or cabinetry business would want to join Great Western as a tenant.

Mr. Voit commented that the challenges present include the site itself, finding a retail partner that will succeed in that location, and offsite improvements that will require work with IDOT. As a result, they'll need help to make this work.

Dir. Tymoszenko then noted that this location is in the Geneva Fox River TIF area. She explained the TIF area goals which are met by this project, including redeveloping vacant and underutilized properties; enhancing the streetscape and landscape; repairing and replacing public infrastructure; supporting the goals of overlapping plans, and increasing opportunities for local and minority-owned businesses. Dir. Tymoszenko stated that the City met with the developers early onto determine preliminary underlying costs of the project and those totaled \$7,377,917. These are related to the site assembly, utility upgrades to the site, and stormwater management. The base EAV for the site is \$102,101 and to date the site has generated an increment of \$1,662 with no increment generated since the last existing structures there were demolished and moved in 2018. The projected increment for the proposed development will likely cover the assessment depending upon how soon the project begins. Currently, there is an 80%/20% private to public investment in the site.

On a question from Ald. Bruno, Mr. Voit noted that they do want green space in front of the building and acknowledged Ald. Bruno's desire not to see a large retaining wall on State Street. On another question from Ald. Bruno, Mr. Voit noted that the building will include flexible space to which any retailer could adapt. On a further question from the alderperson, Mr. Voit stated that retail with a complementary use to Great Western would be considered. Restaurants, for example, would not work because of the hours and because that use would not fit in with the residential properties nearby.

Ald. Mayer stated that she would like the two affordable units in the building to be codified but likes the concept.

On a question from Ald. Marks, Dir. Tymoszenko noted that there are 12 years remaining on the TIF and the money generated from the development would pay back the investment depending upon when the project begins. She stated that the two other projects covered by the TIF are the Mill Race project and the bottling works project, the latter of which is being marketed as a redevelopment opportunity. Ald. Marks stated that he doesn't want people thinking that any

development opportunity will be covered by the City. Dir. Tymoszenko noted that projects relying on the TIF will depend upon the fair market value and appraisal and a pay-as-you-go determination would have to be made. On another question from Ald. Marks, Dir. Tymoszenko stated that tonight's vote would establish a framework for moving forward including acknowledging costs, identifying the gap at this level, and showing that the City is comfortable with everyone working toward the redevelopment project at that level.

On a question from Ald. Kilburg, Mr. Chirico and Mr. Voit acknowledged that their Naperville project was not in a TIF. Mr. Voit noted, however, that they worked with Naperville on a major water supply issue regarding providing a 3-block, 12-inch water main to the site in which the City agreed to participate in some of the costs involved. On a second question from Ald. Kilburg, Mr. Voit stated that the EAV on the Naperville property was approximately upwards of \$6.5M. On another question from Ald. Kilburg, Mr. Voit and Mr. Chirico explained that the location is perfect for entering downtown and is perfect as a residential property as people can walk to dining locations downtown. As for business, it has a connection with the downtown business district.

Ald. Swanson stated that he is uncomfortable including the land's acquisition price in the computation of the 20% mix because that would establish a floor to all property owners. Additionally, he noted that affordable units should be codified as part of the plans.

Following up to Ald. Swanson's comment, Dir. Tymoszenko stated that there are many issues involved in the site acquisition regarding site preparation and carrying costs. Wording in the resolution could be changed to meet that request, as well as to ensure that affordable units are included. Ald. Swanson acknowledged that he would appreciate this. Admin. Dawkins noted that the resolution is not the final agreement so that specific details would still be refined.

Ald. Hruby stated that she would like for the two affordable units to be a reality instead of a proposal.

Roll call:

AYES: 8 (Bruno, Hruby, Kaven, Kilburg, Maladra, Marks, Mayer, Swanson)

NAYS: 0

ABSENT: 2 (Burghart, Kosirog)

MOTION CARRIED.

Consider Approval of the Estimated Tax Levy for 2022 Property Taxes.

Moved by Ald. Marks, seconded by Ald. Mayer.

MOTION CARRIED unanimously by voice vote of those present 8-0.

**Public Comment / New Business**

Ald. Marks reminded everyone to vote tomorrow.

**Closed Session on the Discussion of Minutes of Meetings Lawfully Closed, Whether for Purposes of Approval By the Body of the Minutes or Semi-Annual Review of the Minutes as Mandated by Section 2.06 of the 5 ILCS 120/2(c)(21) and to Discuss the Purchase, Sale, or Lease of Property for the Use of the Public Body Pursuant 5 ILCS 120/2(c)5**

Moved by Ald. Mayer, seconded by Ald. Marks to go into closed session at 8:53 PM.

Roll call:

AYES: 8 (Bruno, Hrubby, Kaven, Kilburg, Maladra, Marks, Mayer, Swanson)

NAYS: 0

ABSENT: 2 (Burghart, Kosirog)

MOTION CARRIED.

**Return to Open Session:**

Moved by Ald. Marks, seconded by Ald. Swanson to return to open session at 9:40 PM.

Roll call:

AYES: 8 (Bruno, Hrubby, Kaven, Kilburg, Maladra, Marks, Mayer, Swanson)

NAYS: 0

ABSENT: 2 (Burghart, Kosirog)

MOTION CARRIED.

**Open Session to Approve Release of Certain Closed Session Minutes and Approve Destruction of Certain Closed Session Audio Recordings Pursuant to 5 ILCS 120/2.06(c).**

Moved by Ald. Kilburg, seconded by Ald. Marks.

Ald. Marks read that the motion is to release the full session of the February 10, 2020 closed session meeting minutes; the full session of the February 24, 2020 closed session meeting minutes; portions of the April 20, 2020 closed session meeting minutes; the remaining of the September 7, 2021 closed session meeting minutes; the full session of the November 15, 2021 closed session meeting minutes; the full session of the December 6, 2021 closed session meeting minutes, and the full session of the March 21, 2022 closed session meeting minutes. **The motion is to also approve destruction of audio files of the February 10, 2020, February 24, 2020, and April 20, 2020 closed session meeting minutes.**

Roll call:

AYES: 8 (Bruno, Hruby, Kaven, Kilburg, Maladra, Marks, Mayer, Swanson)

NAYS: 0

ABSENT: 2 (Burghart, Kosirog)

MOTION CARRIED.

### **Adjournment**

On a motion by Ald. Marks, the meeting was adjourned by unanimous voice vote at 9:44 PM.

*- Submitted by Clerk Kellick*



VIA EMAIL

[rbn3@aol.com](mailto:rbn3@aol.com)

November 18, 2022

Rodney Nelson  
23 Kane St.  
Geneva IL 60134

Dear Mr. Nelson,

We are in receipt of your request for records dated November 12, 2022 and received November 14, 2022 for "February 2022 closed session tapes from the City Council and COW."

This letter is to inform you that this public body is treating the request as a request under 5 ILCS 140/3.2 subsection (g) of Section 2 ("recurrent requestor") as this public body has received more than fifty (50) Freedom of Information Act requests from you in the 12 months immediately preceding this request.

As such, we will send a response within 21 business days of receipt, in accordance with subsection (a) of 5 ILCS 140/3.2.

You have a right to have your request reviewed by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General. 5 ILCS 140/9 (a). You can file your Request for Review with the PAC by writing to:

Public Access Counselor  
Office of the Attorney General  
500 South 2<sup>nd</sup> Street  
Springfield, IL 62706  
Fax: 217-782-1396  
E-mail: [publicaccess@atg.state.il.us](mailto:publicaccess@atg.state.il.us)

You also have a right to seek judicial review of your request by filing a lawsuit in the State circuit court. 5 ILCS 140/11. If you choose to file a Request for Review with the PAC, you must do so within 60 calendar days of the date of this letter. 5 ILCS 140/9.5 (e). Please note that you must include a copy of your original FOIA request and this letter when filing a Request for Review with the PAC.

Sincerely,

A handwritten signature in cursive script that reads "Jeanne Fornari". The signature is written in black ink on a white background.

Jeanne Fornari, FOIA Officer

**From:** [Rod Nelson](#)  
**To:** [Hruby, Becky](#); [Maladra, Craig](#); [Kilburg, Dean](#); [Kaven, Gabriel](#); [Mayer, Amy](#); [Bruno, Mike](#); [Kosirog, Brad](#); [Marks, Richard](#); [Swanson, Robert](#); [Burghart, Tara](#); [Dawkins, Stephanie](#); [paccess@atg.state.il.us](mailto:paccess@atg.state.il.us); [foia; j@aol.com](mailto:foia; j@aol.com)  
**Cc:** [paccess@atg.state.il.us](mailto:paccess@atg.state.il.us)  
**Subject:** Why did you all vote to destroy the Feb 2020 Council and COW Emma's Landing Donation secret session tapes?  
**Date:** Saturday, November 12, 2022 6:01:25 AM

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## EXTERNAL EMAIL - USE CAUTION

Written on Veteran's Day 2022:

The Illinois Housing Development Authority believed that the City of Geneva donated the Emma's Landing parcel. IHDA cited this donation in its announcement that Emma's Landing was a "winner" of a large LIHTC grant. IHDA used a communication from City staff based on a February 2020 closed session improper vote to conclude the land was donated. Emma's Landing IHDA QAP application was given "bonus points" based on a donation that never happened. In Geneva City Hall, if you are not cheating, you are not trying. "Transparency" does not exist.

This is my final FOIA request for the February 2020 closed session tapes from the City Council and Cow. I have requested them in the past.

Democracy died in darkness on your watch. The funeral is over.

Rod Nelson, Former Major USAF