



**DEKALB CITY COUNCIL AGENDA
JANUARY 14, 2019**

DeKalb Municipal Building
City Council Chambers
Second Floor
200 S. Fourth Street
DeKalb, Illinois 60115

**REGULAR CITY COUNCIL MEETING
6:00 P.M.**

A. CALL TO ORDER AND ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF THE AGENDA

D. PUBLIC PARTICIPATION

E. PRESENTATIONS

- 1. Proudly DeKalb: Recognition of the Annie Glidden North Revitalization Plan Task Force.**

City Manager's Summary: In the Fall of 2017, a community engagement process began with the goal of outlining overall priorities and a cohesive vision for the revitalization of the Annie Glidden North (AGN) area. A dedicated task force consisting of volunteers from many local organizations, businesses, taxing bodies and private life led multiple public meetings and subcommittees toward the creation of a detailed revitalization plan. That plan was presented to the City Council in the Fall of 2018 and is posted on the City's website [here](#).

F. APPOINTMENTS

- 1. Appointment of Joyce Stuepegia as Third Ward Alderman Until Her Successor Qualifies and Takes Office.**

City Manager's Summary: Mayor Smith will seek the Council's approval of his appointment of Joyce Stuepegia for the vacant Third Ward aldermanic seat. Ms. Stuepegia currently serves on the City's Police Pension Board and would resign her seat on the pension board if confirmed by the City Council. Ms. Stuepegia has 18 years of experience as an elected official, having served the Village of

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Villa Park as a Trustee and Village President. Ms. Stupegia is a DeKalb resident.

G. CONSENT AGENDA

1. [Minutes of the Committee of the Whole Meeting of November 26, 2018.](#)
2. [Minutes of the Regular City Council Meeting of November 26, 2018.](#)
3. [Minutes of the Special Joint City Council and Finance Advisory Committee Meeting of December 4, 2018.](#)
4. [Minutes of the Committee of the Whole Meeting of December 10, 2018.](#)
5. [Minutes of the Regular City Council Meeting of December 10, 2018.](#)
6. [Approval of Executive Session Minutes.](#)
7. [Accounts Payable and Payroll through January 14, 2019, in the Amount of \\$4,415,565.44.](#)
8. [Investment and Bank Balance Summary through October 2018.](#)
9. [Year-to-Date Revenues and Expenditures for All Funds through October 2018.](#)
10. **Resolution 2019-001 Authorizing an FY2019 Tourism Agreement with the DeKalb County Convention and Visitors Bureau in the Amount of \$50,000 for Tourism Activities Beginning January 1, 2019 through December 31, 2019.**

City Manager's Summary: Resolution 2019-001 authorizes a funding agreement with the DeKalb County Convention and Visitors Bureau consistent with the financial commitment made by the Council in the approval of the Fiscal Year 2019-2020 Budget in December, 2018. As the attached memorandum from Economic Development Planner Jason Michnick explains, the Chamber agreement commits \$50,000 for the coordination and management of various marketing efforts, a kite-flying event, and events intended to attract visitors to DeKalb and DeKalb County. City Council action is recommended. [\(Click here for further information.\)](#)

11. **Resolution 2019-002 Authorizing a Funding Agreement with the DeKalb Chamber of Commerce in the Amount of \$45,000 for the Purpose of Facilitating Community Events Beginning January 1, 2019 through December 31, 2019.**

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Resolution 2019-002 authorizes a funding agreement with the DeKalb Chamber of Commerce consistent with the financial commitment made by the Council in the approval of the Fiscal Year 2019-2020 Budget. As the attached memorandum from Economic Development planner Jason Michnick explains, the Chamber agreement commits \$45,000 for the coordination and management of various annual City events intended to attract visitors and entertain residents. City Council action is recommended. ([Click here for further information.](#))

12. Resolution 2019-003 Authorizing a Funding Agreement with the DeKalb County Economic Development Corporation in the Amount of \$45,000 for Economic Development Services Beginning January 1, 2019 through December 31, 2019.

City Manager's Summary: Resolution 2019-003 authorizes a funding agreement with the DeKalb County Economic Development Corporation consistent with the financial commitment made by the Council in the approval of the Fiscal Year 2019-2020 Budget. As the attached memorandum from Economic Development planner Jason Michnick explains, the Chamber agreement commits \$45,000 for undefined DCEDC staff efforts on behalf of DeKalb and other DeKalb County communities. City Council action is recommended. ([Click here for further information.](#))

13. Resolution 2019-004 Authorizing the Staffing of Three Internships and Three Airport Line Service Positions.

City Manager's Summary: The FY2019 Annual Budget Ordinance funds a number of part-time, non-IMRF positions. The Budget Ordinance also requires City Council approval for the filling of these staff vacancies in 2019.

The attached ordinance proposes the anticipated filling of the following vacancies:

A. Interns (through Northern Illinois University)

1. Community Development
2. Airport Division
3. Engineering

The Community Development and Airport intern positions are funded in the FY2019 Budget in the amount of \$30,000. This budgeted expense is partially offset by a grant of \$10,335 from the Illinois Board of Education (IBHE).

The engineering intern position supports the part-time engineer services provided through the City's contract with Fehr-Graham. Without this

assistance, Fehr-Graham would be charging a higher hourly rate for regular part-time support services.

B. Part-Time Employees

1. Three (3) Airport part-time "Line Service" employees. These employees serve various functions at the DeKalb Taylor Municipal Airport, including aircraft fueling, general customer service, light equipment maintenance, light janitorial work, and snow removal. They are scheduled at various hours to provide 24-hour service, if needed. The FY2019 Budget allocates \$90,000 for these eight positions. Three vacancies at an hourly rate of \$23.15 currently exist.

City Council approval of Resolution No. 2019-004 is recommended. [\(Click here for further information.\)](#)

14. Resolution 2019-005 Dissolving the Annie Glidden North Revitalization Plan Task Force.

City Manager's Summary: On September 25, 2017, Mayor Smith appointed the following people to the Annie Glidden North Task Force: Jay Anderson, Morgan Brickley, Michelle Bringas, Deanna Cada, David Castro, Jamie Craven, Rudy Galvan, Joe Gastiger, Chad Glover, Rachel Jacob, Will Heinisch, Derek Hiland, Tiara Huggins, Dan Kenney, Andrew John Knox, Christi Krupp, Mohammad Libadi, Kerry Mellott, Leroy Mitchell, Michael Newman, Shelly Perkins, Patti Perkins, Mike Pittsley, Valerie Redmond, Glenn Roby, Herb Rubin, Scila Scife, Gip Seaver, Kurt Thurmaier, Ellingsworth Webb, and Denise Weinmann.

Between the time the AGN Task Force was appointed and November 2018, when the DeKalb City Council approved the AGN Revitalization Plan, this dedicated group of people donated their time and talents to establish a process and identify recommendations intended to improve the Annie Glidden North area.

Terminating the Task Force signifies the completion of the work for which the group was formed. City Council approval is recommended. [\(Click here for further information.\)](#)

H. PUBLIC HEARINGS

1. **Public Hearing for a Substantial Amendment to the Community Development Block Grant (CDBG) Five-Year Consolidated Plan 2015 - 2019 and Amendment of the 2018 CDBG Annual Action Plan (One Year Use of Funds).**

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City Manager's Summary: The Community Development Block Grant Program (CDBG) receives federal funds through the U.S. Department of Housing and Urban Development (HUD). The general federal objectives have long been the provision of decent, affordable housing that is available, accessible, and sustainable. As the City with the largest population in the county, DeKalb has long been a CDBG community.

The allocation of annual CDBG funds is significantly regulated by HUD guidelines, including the maintenance of a current Five-Year Consolidated Plan. The City's CDBG Five-Year Consolidated Plan currently covers the period 2015-2019. The attached memorandum from Community Development Director Jo Ellen Charlton outlines the current objectives of that plan, which were last amended on August 14, 2017.

In August 2018, the City was notified that it would receive an allocation of \$459,532 for the City's 25th program year beginning in April 2018 and extending through March 2019. CD Director Charlton is recommending an amendment (Amendment #2) to the Five-Year Consolidated Plan that re-apportions monies within the budget for this program year to meet changing local needs. Specifically, the Amendment expands the scope of infrastructure projects in FY2019 by authorizing long-deferred public improvements on Harvey, Tyler and Charter Streets including sidewalk replacement to allow for accessible pathways. In addition, a new demolition line item is proposed. The proposed Amendment also restructures the Private Property Rehabilitation Program to allow for larger loans. The current limit of \$5,000 will be raised to \$15,000 to allow for more substantial improvements that meet HUD guidelines. Loans up to \$5,000 may be forgivable if they meet all HUD provisions. Loans between \$5,001 and \$15,000 would be repayable and secured by a lien on the property that is due and payable when the property is sold, foreclosed, etc.

Any amendments to the Five-Year Plan require substantial public comment periods. Director Charlton confirms that the City has highlighted the proposed changes on its website, through the local media, and in print copies made available at the DeKalb Public Library and at city hall.

City Council approval of Amendment #2 to the CDBG Annual Action Plan and approval of the amended budget for the current program year are recommended. [\(Click here for further information.\)](#)

I. CONSIDERATIONS

None.

J. RESOLUTIONS

1. **Resolution 2019-006 Approving an Employment Agreement for the City Manager.**

City Manager's Summary: The City Council appointed Bill Nicklas to the position of City Manager on December 18, 2018 by a vote of 6-1. The attached resolution identifies the terms and conditions of his employment. City Council approval is recommended. ([Click here for further information.](#))

2. **Resolution 2019-007 Authorizing a Retail Tobacco Store License for Aroma's, Inc., 811 W. Lincoln Highway.**

City Manager's Summary: Under Illinois law and the City Code, new retail tobacco establishments may not be established unless within a freestanding building that does not share an HVAC system with other tenants. Under previous versions of the City Code, existing retail tobacco licensees within multi-unit structures were "grandfathered" to continue their operations, but upon a cessation of operations or a change in ownership, licensure would end. The City Council amended these code provisions in March of 2018 to indicate that an existing retail tobacco store could undergo a change in ownership and maintain a grandfathered status, despite being within a multi-unit building. Under those provisions, this license application is technically a license renewal, but the change in ownership still triggers City Council review.

The application has been reviewed by the City Attorney and staff. City Council approval is recommended, subject to the conditions outlined in the background memorandum from City Attorney Dean Frieders (see attached), and the payment of a license renewal fee of \$3,511. ([Click here for further information.](#))

3. **Resolution 2019-008 Concurrence and Support for a Permit from the Illinois Department of Transportation Authorizing Pizza Hut to Proceed with Work to Reconstruct the Commercial Entrance on 701 W. Lincoln Highway.**

City Manager's Summary: Resolution 2019-008 supports an IDOT permit for the reconstruction and re-surfacing of the entrance to the Pizza Hut restaurant by the owner in 2019. A portion of the area to be re-constructed lies within the IDOT jurisdiction so the City's concurrence is required. For its part, the City has to assure IDOT that it will monitor the work and assure that it has been conducted in accordance with IDOT permit conditions.

The work will be performed at no cost to the City. Such permit concurrence is common for work performed within the City limits that falls within an IDOT right-

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of-way. City Council approval is recommended. [\(Click here for further information.\)](#)

- 4. Resolution 2019-009 Approving a Substantial Amendment to the Community Development Block Grant Five-Year Consolidated Plan 2015-2019 and an Amendment to the Community Development Block Grant Annual Action Plan (One Year Use of Funds) for Program Year 25 (April 1, 2018 - March 31, 2019).**

City Manager's Summary: See "H.1. Public Hearings". [\(Click here for further information.\)](#)

- 5. Resolution 2019-010 Authorizing the City Manager to Approve or Ratify a Tax Increment Financing District Audit Agreement and Related Agreements within Budgeted Sums.**

City Manager's Summary: Resolution 2019-010 authorizes the City Manager to enter such arrangements or coordination agreements as may be necessary with the Office of the DeKalb County States Attorney to expedite a forensic audit of the City's TIF expenditures.

On December 18, the Council committed to the conduct of a forensic audit in conjunction with States Attorney Rick Amato and his civil staff. This step was consistent with the recommendations of local taxing bodies represented on the DeKalb TIF Joint Review Board as well as a substantial number of public citizens who have attended public meetings regarding DeKalb's TIF program since early August 2018. As part of the approved FY2019 City Budget, the City Council committed up to \$100,000 in the TIF#1 Fund (Fund 260) and up to \$100,000 in the TIF#2 Fund (Fund 261) for the forensic audit.

This item is presented to the Council to facilitate and expedite the forensic audit process. The City Manager will report on a regular basis to the Mayor and Council regarding the progress of the audit and will monitor and report any and all TIF expenses associated with that audit.

City Council approval is recommended. [\(Click here for further information.\)](#)

- 6. Resolution 2019-011 Authorizing a Settlement Agreement with Molly Talkington.**

City Manager's Summary: Molly Talkington was hired by the City as its Finance Director on September 17, 2017 and served in that role prior to her appointment as Interim City Manager in late May 2018. Ms. Talkington served as Interim City Manager until her removal from that position in November of 2018. Ms. Talkington was removed at that point in time based upon the City's review of certain financial transactions, budget calculations and financial forecasts for

which Ms. Talkington was responsible. After the City initiated those reviews, Ms. Talkington filed a complaint with the Equal Employment Opportunity Commission alleging certain misconduct by the City. The City vigorously denies any wrongdoing associated with Ms. Talkington's allegations and has proceeded to defend such claims.

At this time, the City, Ms. Talkington, and their respective counsels are engaged in negotiation regarding a separation agreement. The City has reviewed the potential litigation expense associated with defending the claims brought by Ms. Talkington and has determined that it would be less costly to enter into a separation agreement providing for the payment of a stipulated severance in lieu of undertaking that defense. Further information will be shared with the Council and the public at the Council meeting on January 14, 2019.

K. ORDINANCES

1. **Ordinance 2019-001 Prohibiting the Use of Groundwater as a Potable Water Supply by the Installation or Use of Potable Water Supply Wells or by Any Other Method (421 Grove Street). (First Reading)**

City Manager's Summary: Ordinance 2019-001 would allow Timber Creek Properties, LLC to achieve compliance with an Illinois EPA prohibition of any future groundwater wells for irrigation or other purposes on their property at 421 Grove Street, the former site of Sawyer Motors. This ordinance is the last step in an orderly soil remediation process. To obtain an IEPA letter requiring no further remediation, the City needs to ban the use of any groundwater wells on the property. City Council approval is recommended. [\(Click here for further information.\)](#)

2. **Ordinance 2019-002 Authorizing a Zoning Map Amendment from the "HI" Heavy Industrial District to the "PD-I" Planned Development – Industrial District and Approval of a Planned Development Preliminary Plan for a Community Solar Garden to be Located Along the North Side of Gurler Road, Approximately 500 feet East of South First Street (SunVest Solar, Inc.). (First Reading)**

City Manager's Summary: The applicant, Bill French of SunVest Solar, Inc., is requesting approval of a zoning map amendment from the "HI" Heavy Industrial District to the "PD-I" Planned Development-Industrial District and the approval of a planned development preliminary plan for a 36.34 acre site located along the north side of Gurler Road, approximately 500 feet east of the intersection with South First Street. The parcel will be subdivided into three lots, with Lots 1 and 2 (totaling about 26 acres) containing a 2-megawatt community solar garden, with Lot 3 (about 10 acres) reserved for future industrial uses. The solar panels will be installed on fixed-tilt racking systems supported on galvanized

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steel beams that are pile-driven 8-10 feet in the ground. The panels will be oriented south, with rows stretching from west to east. Access will be from a private drive connecting with Gurler Road. A seven (7) foot high deer fence is proposed for the perimeter of the panels with a gate at the entrance. A 100-foot setback will separate the panels from the adjacent residence on South First Street. A minimum setback of 40 feet will parallel Gurler Road and South First Street. Twenty (20) foot easements will also be established along the south and west frontages to allow for future water main and sewer main extensions.

The developer will be required to contribute 50% of the estimated cost of any future water main extension through three annual payments of \$40,833.33. Further details are noted in the attached memorandum from Principal Planner Dan Olson. A public hearing was held on the application on November 7, 2018 before the Planning and Zoning Commission. The Commission voted 5-0 (Commissioner Castro was absent) to recommend Council approval, with the conditions outlined in the attached memorandum. City Council approval of the Planning and Zoning Commission recommendation, with conditions, is requested. ([Click here for further information.](#))

3. Ordinance 2019-003 Authorizing Amendments to Ordinances 1998-037 and 1998-038 to Allow for Additions and Renovations to the DeKalb County Rehab and Nursing Center, 2600 N. Annie Glidden Road. (First Reading)

City Manager's Summary: Ordinance No. 2019-003 amends two development ordinances approved by the City in 1998 that allowed the County of DeKalb to develop a 194-bed nursing home, Health Department offices, and related uses on County property north of Dresser Road and east of Annie Glidden Road. To meet changing needs in the county, the County of DeKalb wishes to add a new transitional care unit for dedicated inpatient rehabilitation totaling 15,400 square feet. The addition would connect to the east end of the administration building and would complement the existing skilled and intermediate care services on the site. In addition, the County of DeKalb wishes to construct a new, 6,100 square foot multipurpose activity center in the center court of the existing nursing home facility to provide more diverse activities, including casual dining and seasonal events.

The Planning and Zoning Commission reviewed the County's petition on December 19, 2018 and recommended the Council's approval by a vote of 6-0 (Commissioner Castro was absent). City Council approval of the Plan Commission recommendation is requested. ([Click here for further information.](#))

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4. Ordinance 2019-004 Authorizing Amendments to Ordinances 2002-045 and 2002-046 to Add Permitted and Special Uses, Amend the Sign Regulations and Approve a Plat of Resubdivision for the Northland Plaza Shopping Center - Sycamore Road. (*First Reading*)

City Manager's Summary: Ordinance 2019-004 has three parts:

(1) proposed revisions to Ordinance 2002-045 that originally approved the re-development of Northland Plaza in 2002. These revisions will allow for a limited number of non-retail uses at the shopping center and will also eliminate the allowance for small "monument signs" for each restaurant and shop pad in the complex;

(2) a revision to the original special use allowing for an additional pylon sign along Sycamore Road at the entrance near Egg Haven; and

(3) the approval of a plat of resubdivision to allow for a new fitness center in the northern portion of the former Carson's department store. This requires an amendment to Ordinance No. 2002-046 which approved a final plan and plat for Northland Plaza.

The attached background information prepared by Principal Planner Dan Olson details the potential impacts of the three related actions contemplated by the ordinance. The Planning and Zoning Commission reviewed the petition from B33 Northland Plaza, LLC at its regular meeting on December 19, 2018 and recommended Council approval by a unanimous vote of 6-0 (Commissioner Castro was absent). City Council approval of the Plan Commission recommendation is requested. [\(Click here for further information.\)](#)

5. Ordinance 2019-005 Authorizing a Special Use Permit for a Vehicle Service Facility at 1806 Sycamore Road. (*First Reading*)

City Manager's Summary: The applicant, Miguel Mendoza, has petitioned for a special use permit for a "vehicle service facility," as required in the "GC" General Commercial District in the City's Unified Development Ordinance. The site is 1806 Sycamore Road in an existing building which was once the location of Mobil 1 Lube Express (see photo in attached memorandum from Principal Planner Dan Olson). The new owner plans to perform some minor repairs to passenger cars and trucks, but no body repair or mechanical overhauling.

The petitioner has indicated that some inoperable vehicles may be towed to the shop and stored outside for a limited time. The Planning and Zoning Commission reviewed the petition at its regular meeting on December 19, 2018 and recommended Council approval by a unanimous vote of 6-0 (Commissioner Castro was absent), with the following conditions:

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- a) no more than five (5) damaged vehicles or vehicles with flat tires may be parked on the site overnight;
- b) all repair work shall be conducted indoors;
- c) the shop's parking area shall be sealcoated within 120 days of the approval of a special use permit and the sealcoated lot shall be re-striped;
- d) a handicap sign shall be installed before the special use is effective.

City Council approval of the Planning and Zoning Commission recommendation is requested. [*\(Click here for further information.\)*](#)

L. REPORTS AND COMMUNICATIONS

M. EXECUTIVE SESSION PURSUANT TO 5 ILCS (120/2)

N. ADJOURNMENT

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