



DEKALB CITY COUNCIL AGENDA February 25, 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**

- a. Recognition of Fire and Police Personnel.**

City Manager's Summary: During a special event at the NIU Convocation Center on February 9, DeKalb Fire Department and NIU Police personnel were on a public safety detail. At approximately 7:35 p.m., an NIU Police officer noticed that someone had collapsed and was lying on the floor. The officer found that the patient was unresponsive, not breathing, and did not have a pulse. The NIU officer requested paramedic assistance and began cardiopulmonary resuscitation (CPR). The paramedics of DeKalb Medic 5 arrived with medical equipment and a stretcher. The paramedics placed the patient on the stretcher and moved towards the ambulance while CPR continued by Fire and Police personnel. Once in the ambulance, while continuing CPR, Fire personnel began advanced life support (ALS) which included cardiac monitoring and intravenous therapy. The paramedics found a shockable rhythm on the cardiac monitor and administered one shock and continued CPR. After two minutes of CPR, the patient regained spontaneous circulation, meaning the patient had a pulse, blood pressure, and could breathe, but remained unconscious. Paramedics continued life sustaining

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support during the patient's transport to Northwestern Medicine-Kishwaukee Hospital where definitive care continued.

The patient was eventually released from the hospital and is alive and well.

The DeKalb Fire Department would like to present the following first responders the Department Letter of Commendation for Resuscitation for their efforts for a successful field save:

- NIU Police Officer Dan Leifker;
- DeKalb Medic 5: Firefighters/Paramedics Tom Conley & Chris Krupa;
- DeKalb Medic 3: Firefighter/Paramedics Greg Thornton & Joe Fisher; and
- DeKalb Engine 3: Lieutenant Brian Andrus and Firefighter/Paramedic Jim Morton

2. DeKalb Municipal Band Annual Report by Director Kirk Lundbeck.

City Manager's Summary: Municipal Band Director Kirk Lundbeck will be on hand to review the Band's performances in 2018 and preview the 2019 performances. The attached report summarizes the Band's work as follows:

2018 Highlights

- Three (3) preseason rehearsals held at NIU's Music Building.
- Eleven (11) Concerts: Two (2) rainouts and the 4th of July concert shortened due to inclement weather.
- Thirteen (13) vocal soloist performances and six (6) Instrumental soloist performances.
- The Director accepted no stipend for his services due to the City's budget cuts, formerly \$9,000 per season.
- Four (4) Themed Concerts: A Musical Trip Around the World, The Star Spangled Spectacular, A Tribute to Broadway and the Silver Screen, and a Children's Concert.
- Twenty-one (21) new concert pieces added to the Municipal Band library. Fifteen (15) concert works and six (6) vocal soloist pieces.
- Audience attendance averaged 728 patrons per concert, excluding the 4th of July, which was estimated at 8,000 to 10,000 people.
- The Band continues to have a large following on Facebook, the Band website and YouTube.

Tentative 2019 Schedule

- Preseason Rehearsals

Preseason Rehearsals will likely be held at the NIU Music Building, Room 155 (subject to final confirmation) on the following dates:

- Monday, May 20th – 7:30 p.m.
- Tuesday, May 28th – 7:30 p.m.
- Monday, June 3rd – 7:30 p.m.

- 2019 Concerts – 8:00 p.m., Tuesdays, Dee Palmer Band Shell:

- June 11, 18 and 25.
- July 4, 9, 16, 23 and 30.
- August 4 (Sunday, 2:30 p.m. - Ellwood House Concert)
- August 6, 13, and 20.

[\(Click here for further information.\)](#)

F. APPOINTMENTS

None.

G. CONSENT AGENDA

1. [Minutes of the Regular City Council Meeting of February 11, 2019.](#)
2. [Accounts Payable and Payroll through February 25, 2019, in the Amount of \\$7,365,181.26.](#)
3. [Investment and Bank Balance Summary through December 2018.](#)
4. [Year-to-Date Revenues and Expenditures for the General Fund and Water Fund through December 2018.](#)
5. **Amendment of the 2019 Schedule of Meetings.**

City Manager's Summary: On February 15, 2019, the Joint Review Board unanimously voted to hold regularly scheduled quarterly meetings on the fourth Friday of each January, April, July and October. The remaining 2019 JRB meeting dates are as follows: April 26, July 26, and October 25. These dates are also shown, and highlighted, on the Amended 2019 Schedule of Meetings, which is attached.

The amended schedule will be publicized in accordance with applicable law.

[\(Click here for further information.\)](#)

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H. PUBLIC HEARINGS

None.

I. CONSIDERATIONS

1. **Establishing a Special Events Budget in the Amount of \$10,000 for FY2019.**

City Manager's Summary: In addition to major community events sponsored annually through General Fund grants to the DeKalb Chamber and the DeKalb County Convention and Visitors Bureau (CVB), the City government is occasionally asked to support new or first-time events suggested by DeKalb-based community groups and individuals. There is currently no FY2019 allocation for such special events in the General Fund budget.

In recent weeks, several Council members have suggested the value of having the flexibility to support new events that might further promote visitor interest in our downtown and broader community. If the City Council so directs, the City Manager can prepare a minor FY2019 Budget amendment for the March 11 Agenda to place an additional \$10,000 in the Legislative Budget for future event support at the Council's pleasure. The City Manager will identify several budget adjustments that could support such an amendment.

2. **Consideration of the City Manager's Recommendation to Amend Various City License Inspections.**

City Manager's Summary: Since the first of January, the Mayor and Council have supported a number of personnel changes in an attempt to "right-size" our municipal government in line with our constrained general revenues. Toward this end, a number of tough personnel decisions have already been made.

The staffing reductions in Finance and the Fire Department would require adjustments in the scope of certain kinds of regulatory activity. In Finance, the person responsible for a variety of business licenses has moved on, and her position will be re-defined toward more general accounting duties to fill gaps in accounting. In the Fire Department, two Deputy Chief positions have been frozen so the Fire Chief and the department will be shouldering more detailed, day-to-day training responsibilities and also more inspection oversight.

The following proposals, if supported by the Council, would require a side letter of agreement to the collective bargaining contract between IAFF Local 1236 and the City of DeKalb. Although informal discussions on these points have been in progress and a general consensus is emerging,

final agreement between the parties has not been reached and must be reached before any ordinance revisions are brought to the Council.

The general discussion of City fire protection services is not a matter for executive session, although there are personnel implications. Accordingly, Council direction is requested to guide further collaborative discussions with IAFF Local 1236.

The City Manager proposes the following changes to a number of fire protection inspection programs:

- a) The suspension of the Commercial Building Inspection program until further notice. The City's property maintenance inspectors would continue to respond to citizen complaints at local business locations. In addition, the Fire Department's "pre-plan" program would continue. The pre-plan program provides emergency responders with building knowledge and floor plans identifying ingress/egress points, utility connections, fire alarm or sprinkler panel locations, bulk flammables storage areas and other similar information. Currently, 846 pre-plans have been completed. There are approximately 77 business locations remaining to be inspected. These pre-plans would be reviewed and updated on a three-year cycle. Annual registration of commercial buildings would also continue to maintain emergency contact information for the properties. Such changes would require revisions to Chapter 5 of the Municipal Code.
- b) Moving "Fire and Life Safety" inspections from an annual schedule to every other year starting in 2019. These inspections pertain to restaurants, grocery stores, banquet halls, taverns and bars, pool halls, and amusement centers (including theaters, bowling alleys, bounce houses, and designated gaming areas in local businesses). Registration and licensing fees will remain on an annual, recurring basis to maintain key contact information. The Fire Chief or a designee would be authorized to schedule the inspections, establish inspection cycles and, if necessary, require annual inspections for properties with histories of significant code violations. Amusement Facilities would still be licensed under Chapter 36. Amended language in Chapter 16 of the Municipal Code will be required.
- c) Repeal of Chapter 27, "Gas Station Licenses."
- d) The amendment of Chapter 55, "Hotels and Motels," to reflect inspections occurring every other year starting in 2020 and every other year thereafter. The registration and licensing fees will remain on an annual recurring basis. As with Fire-Life Safety licenses, the Fire Chief or designee would have the authority to require more frequent inspections for properties if significant code violations are observed.

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- e) No changes to Chapter 14, "Rooming Houses." Rooming Houses will continue to be inspected and licensed annually.

With these changes, the Fire Prevention Lieutenant could assume some of the clerical tasks of the revised fire inspection programs.

City Council direction is requested.

J. RESOLUTIONS

1. **Resolution 2019-042 Authorizing an Amendment to the Midwest Hangar Corporation Hangar Lease Agreement.**

City Manager's Summary: As Airport Manager Tom Cleveland writes in his background memorandum, the City presently leases a number of hangars at the DeKalb Taylor Municipal Airport to private parties for aviation-related uses. In some instances, such as smaller t-hangars, the City directly leases the individual units to private individuals. In other instances, the City holds a master ground lease for an area and has permitted a third party to construct a multi-unit hangar on the land. This item proposes an amendment to such a ground lease.

Midwest Hangar Corporation (MHC) constructed a six-unit hangar building, approximately 300 feet by 60 feet, at the DeKalb Taylor Municipal Airport in 2006, under the terms of a 50-year land lease (attached). MHC operates the hangar as a corporate condominium, and subleases individual units within the hangar to third parties. The lease was initially entered in March 2005, with a five-year base term and nine optional five-year extensions to the base term, for a total term of 50 years.

MHC paid an initial annual base rate of \$6,080 for the space, at a base rental of \$0.20 per square foot. That rental increases by a consumer price index (CPI) adjustment on an annual basis. At present, the current annual base rental is \$7,356.80. In addition, the City receives a percentage-based commission at the time of sale of individual condominium units (if they are sold).

MHC has requested an amendment to the lease agreement to provide a total of 12 optional five-year lease extensions. This would make the total potential term of the lease 65 years instead of the original 50 years. This is the only amendment being sought at this time. The lease would continue to be subject to the annual CPI adjustment for the full term of the lease, if extended.

Long-term leases are a particular incentive to corporate users who have other airport options in the northern Illinois area. MHC has been a very good tenant, and **the City Manager recommends this amendment.** [\(Click here for further information.\)](#)

2. Resolution 2019-043 Authorizing the Award of a Bid to Performance Construction and Engineering, LLC in the Amount of \$743,500 for 4,100 Feet of Watermain Replacement on Joanne Lane, Golfview Place and Ilehamwood Drive with Staff Authority to Approve Change Orders Up to \$769,522.

City Manager's Summary: The existing water mains along Joanne Lane, Golfview Place and Ilehamwood Drive are a combination of six-inch and eight-inch cast iron piping installed in 1965. These water mains have had numerous breaks over the years causing water service disruptions to residents within the affected area.

A 2015 Water System Master Plan Update recommended an annual water main replacement program to improve the City's aging water distribution system. The study also recommended water rate adjustments to help offset the costs of the program. Council supported this objective and directed staff to initiate an annual Water Main Replacement Program.

Since approving this initiative, over \$3.15 million of water capital improvements have occurred with over 9,200 feet of water main replacements throughout the City. The replacement of the older cast iron water mains with new ductile iron mains has increased the reliability of the City's drinking water supply and improved fire suppression capabilities. The replacement of the water mains on Joanne Lane, Golfview Place and Ilehamwood Drive with eight-inch ductile iron piping is consistent with this Council objective and insures a reliable water system for future generations.

A Request for Bids was released on December 17, 2018. The RFB included a base bid price using ductile iron water main with copper water service lines, and an alternate bid using polyvinyl chloride (PVC) water main with high-density poly ethylene (HDPE) water service lines. The alternate bid was requested to determine if a significant savings could be realized by using plastic water main and services versus the traditional ductile main with copper services. The following eight bids were received and publicly opened on February 5, 2019:

Company Name	Base Bid - Ductile	Alternate - PVC
Performance Construction and Engineering (PCE)	\$743,500.00	\$720,445.00
Trine Construction Corp.	\$744,915.80	\$721,561.30
N-Trak Group LLC	\$807,516.00	\$779,060.00
William Charles Const. Co.	\$850,150.52	\$808,338.62
Elliott & Wood Inc.	\$866,052.86	\$835,397.86
H. Linden & Sons Sewer & Water Inc.	\$875,775.00	No Bid

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Brandt Excavating	\$902,875.00	\$840,655.00
Archon Const. Co.	\$1,021,500.00	\$967,404.75

The low bid by PCE in the amount of \$743,500 for the base bid and \$720,445 as an alternate, is \$356,500 less than the engineering estimate of \$1.1 million. The savings using PVC and HDPE amounted to only \$23,000. The Public Works staff believe this savings does not offset the advantages of installing the traditional ductile iron water main with copper services and recommends awarding the base bid.

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

3. Resolution 2019-044 Authorizing an Engineering Services Agreement with Fehr-Graham & Associates, LLC for Construction Engineering of 4,100 Feet of Water Main in an Amount Not to Exceed \$75,000.

City Manager's Summary: If the City Council approves Resolution 2019-027 the City will need field engineering services for the water main replacement along Joanne Lane, Golfview Place and Ilehamwood Drive. After the completion of the water main replacement on these streets, the road surfaces will be milled and re-surfaced as part of the City's 2019 street maintenance program. Because Fehr-Graham was chosen by the Council to perform the field engineering services for the 2019 street maintenance program at the last Council meeting, and because they rank at the top of the City's qualifications-based list of engineering firms, the Public Works staff have recommended that this construction engineering contract be awarded to Fehr-Graham.

City Council approval of the Public Works department recommendation is requested. Where there is not such a convergence of circumstances, the City will be advised to exercise its discretion in working with other firms on the QBS list as appropriate, in order to ensure the ongoing competitive interest of professional engineering firms in the northern Illinois area. ([Click here for further information.](#))

4. Resolution 2019-045 Authorizing an Agreement with Municipal Collections of America for Debt Collection Services.

City Manager's Summary: The City Council recently approved a conversion from prosecuting ordinance violations in the Circuit Court to undertaking prosecution through administrative hearings conducted by the City in the Council Chambers. Over the past year, the Circuit Court converted from using the authority of the Court to enforce judgments to utilizing a collections firm to pursue collections. Similarly, with the administrative hearing process, the City proposes to utilize a collections firm for such services. Judgments entered through administrative hearings would be submitted for collections if unpaid. If

collection activities are not successful, the account would be submitted for collection through the Illinois Debt Recovery Offset Portal (IDROP).

The City also has other outstanding accounts receivable that are presently not being collected, which represent lawful sums due the City that are past due. With Council approval, the collections process may also be used for recovery of these sums, to increase the efficiency of the City's financial processes and to ensure the recovery of funds that are due to the City. The City is seeking a vendor that can electronically interact with the City's software packages to minimize the staffing demands imposed on the City.

On September 24, 2018, the Council consensus was to issue an RFP for debt collection services. In response to that RFP, the City received a number of proposals. In each instance, the collection agency proposed the same base fee for collection services, charged as a percentage of recovery. The primary distinction between respondents was their level of familiarity with collections in Illinois, technical knowledge of the submission process for IDROP, and ability to integrate with reports that the City can electronically produce from financial and administrative hearing software. Based on that review, the recommendation is to enter into a two-year agreement with MCOA.

MCOA's services are charged as a percentage of the amount recovered. The City has in place an ordinance, passed on November 13, 2018, that allows the City to add a collection fee to any debts placed for collection, in accordance with Illinois law. That fee is 35% of the amount being collected. Under MCOA's contract, that 35% represents the amount that they are entitled to retain as their fee, so if a debtor pays the entire debt, the City recovers 100% of the base debt placed for collection.

As the contract works, if the City places a \$100 debt for collection, it is increased to \$135 to cover collection costs (as provided by Illinois law). MCOA then receives 25.93% of each dollar recovered from the debtor, until both the City and MCOA are paid in full. Note that \$35 is 25.93% of \$135, so this formula allows the City to recover its full \$100 (or 100% of the base debt) and allows MCOA to recover its full \$35 (or 35% of the base debt), assuming that the debtor pays in full. If the debtor pays less than the full amount, the parties recover a pro-rata allocation (roughly 74% to the City and 26% to MCOA). If the debtor does not pay, MCOA does not receive anything (i.e. there are no charges or fees to the City other than the contingency fee based on actual recovery).

Based on a thorough review of all the respondents, the City Manager recommends entering a contract with MCOA. The agreement has a 2-year term, and thereafter automatically renews. However, after the initial 2-year term, the agreement can be terminated on 60 days written notice (despite automatic renewal).

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

5. Resolution 2019-046 Authorizing an Architectural Improvement Program Economic Incentive Grant in the Amount of \$15,000 for Carlson Oak, LLC, 118-126 Oak Street.

City Manager's Summary: The TIF 1 Fund in the City's FY2019 Budget includes \$50,000 in funding for the Architectural Improvement Program (AIP). The AIP is designed to enhance commercial building appearance in the City's TIF districts and to promote responsible property maintenance in those districts. The premise of the program is that architectural improvements can sometimes have a significant positive impact on the overall appearance and vitality of the community's commercial properties.

Projects are reviewed on a case-by-case basis. There are three tiers of reimbursement for various building improvements, with the highest reimbursement going to owners pursuing ADA compliance and façade renovations (50% reimbursement); and lesser grants for minor capital improvements such as window and door replacement or tuckpointing (25% reimbursement), or deferred maintenance such as roof repair, gutter replacement, etc. (10% reimbursement).

The City has received a request from Patricia Carlson for grant funding to offset some of the cost of window replacement at the apartment building at 118-126 Oak Street. This historic building was constructed in the early 1960s by Charles Bradt and Don Milner. For the first 30 years or so, the building primarily contained commercial offices. It was converted to studio apartments by Steve Milner in the late 1990s and was purchased by Carlson Oak LLC in June 2011. The tenants include NIU graduate students as well as single professionals working in or near the downtown area. The building is well-kept and secure.

Carlson Oak LLC has submitted two estimates to replace the original, single-pane metal windows with more energy-efficient window units that are color-matched with the building exterior. The estimates from two local companies are as follows:

- Sycamore-DeKalb Glass Co.: \$74,374 (Sales Tax excluded).
- DeKalb Contract Glazing, Inc.: \$106,860 (Sales Tax excluded).

The project would be eligible for a maximum 25% reimbursement, or \$18,593.50. Given the limited annual AIP budget of \$50,000 in FY2019, the City Manager recommends an AIP grant of \$15,000.

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

6. Resolution 2019-047 Authorizing the Staffing of One Water Service Maintenance Position in the Utilities Division of the Public Works Department.

City Manager's Summary: The FY2019 Annual Budget Ordinance included a provision which prohibits the City Manager from filling certain vacancies without prior approval of the City Council at least until July 1. At present, a Water Service Maintenance Position vacancy exists in the Utilities Division of the Public Works Department.

The Utilities Division of the Public Works Department currently consists of eight bargaining unit employees with one vacancy. The Division lost two long-term employees last year. One of the positions was replaced by transferring an existing Street Division employee to the Utilities Division. The vacancy in the Street Division created by this transfer has not been filled due to budget constraints. The second vacancy in the Utilities Division has not been filled. It is that Utilities Division vacancy that the Public Works department hopes to fill.

As the Council is aware, Utility Division employees participate routinely in snow and ice removal operations. Four Utility Division employees have assigned snow plowing routes, two employees are assigned to clear snow and ice from runways at the DeKalb Taylor Municipal Airport, and three employees are typically assigned to clear City parking lots. At the current level of Public Works staffing, the Utilities Division needs to continue working alongside the Street Division in snow and ice removal and Airport clearing, in addition to regular and routine work in repairing the water system, reading meters, testing water samples, etc.

This replacement is required to maintain essential services. **City Council approval is recommended.** ([Click here for further information.](#))

7. Resolution 2019-048 Approving a Final Plat for the Egyptian Theatre Subdivision and Authorizing a Conveyance of Real Property.

City Manager's Summary: The attached resolution contemplates two actions:

- a) The approval of a plat defining an area in Palmer Court that the Egyptian Theatre, Inc. is asking the Council to convey to accommodate a new addition; and
- b) The City's legal conveyance of the property defined on the attached plat.

These proposed actions follow months of discussion at the staff level between the Community Development staff and the board and administration of the Egyptian Theatre regarding public funding to offset the cost of air-conditioning the historic theater. On December 18, 2018, the Community Development Department asked the City Council to approve a \$2.5 million TIF 2 grant to help

Egyptian Theatre install such air-conditioning. The Council has provisionally set aside \$2.5 million for this grant request.

At the time of the Council's consideration of the TIF grant, the Council backup included some conceptual renderings of a substantial building addition to the south wall of the Egyptian Theatre that extended into the public property known as Palmer Court. There was no substantive public discussion about the impact of this building addition in Palmer Court during the December 18 Council meeting.

Although the building plans are still conceptual, the proposed addition will have a basement area that will house some of the air-conditioning equipment, the balance of the chillers will be on the roof of the addition. The addition is otherwise dedicated to the expansion of the restroom spaces, concession areas, storage areas, and reception areas currently within the building.

The attached plat depicts an irregular-shaped, 2,277.4 square foot area within Palmer Court that is to be conveyed to accommodate the three-story addition that the Egyptian Theatre proposes to build. The proposed addition will narrow the traffic aisle through Palmer Court and will also require the relocation of the present dumpster enclosure. It will also involve new utility extensions that will require the restoration of a substantial portion of the paved surface in the Court.

As the scope of the building addition as represented on the present conceptual plans has become more generally known by adjacent property owners, concerns have been raised. Specifically, the owners of the Hillside Restaurant, Mary and Gavin Wilson (see attached letter), and neighbors Larry and Kay Berke (see attached letter) have expressed reservations. Their concerns include the possible reduction of light and a more open view from nearby windows, the reduction of traveling space for deliveries and other traffic as well as snow storage, the uncertain final disposition of the waste receptacles, and possible noise from the rooftop units. Other nearby business owners believe the positives of the proposed project offset the negatives and have signed a petition of support (see attached).

The Final Plat was reviewed by the Planning and Zoning Commission on Wednesday, February 20. At the Commission meeting, Larry Berke and Mary Wilson gave impassioned pleas for more time to consider the neighborhood impacts of the proposed addition. The Commission members were taken by their remarks and expressed a particular concern for adverse impacts in Palmer Court once the months-long construction commenced in that tight space. Additionally, several commissioners were doubtful that a fire engine could navigate the narrower travel way along the east end of the proposed addition. However, in the end, the Commission distanced itself from the particular concerns voiced during the meeting, arguing that such matters were the business of the Council. The Commission instead focused its attention on

whether the proposed plat technically satisfied the provisions of the UDO. By a vote of 5-0, the Commission recommended the City Council's approval of the plat and the accompanying conveyance.

This Resolution does not constitute final approval of the project or final approval of the development incentive requested for the project. The timing is purposeful to allow the Council, the Theatre, and nearby building owners to discuss the proposed conveyance as the Theatre continues to proceed with their due diligence and related work on the project.

City Council approval is recommended. It should be noted that the Municipal Code, Section 2.13, requires a 3/4 supermajority vote of the corporate authorities (the Mayor and Council) to convey an interest in property. That means a vote of 6 of 8 or more. [\(Click here for further information.\)](#)

8. Resolution 2019-049 Authorizing the Purchase of One Vehicle through Rush Truck Center Based on the State Bid Contract Price in an Amount Not to Exceed \$175,193.

City Manager's Summary: The Public Works Department is requesting authorization to purchase one new tandem axle dump truck through Rush Truck Center (Rush) in an amount not to exceed \$175,193. The vehicle will replace a 2004 International tandem truck used by the Utility Division for water system repairs. The purchase price of the vehicle is based on the State Bid Contract price. The approved FY2019 Water Fund Budget includes \$185,000 for the purchase of this vehicle.

Although the state bid pricing for 2019 has not been finalized, Rush Truck Center has agreed to match the 2018 State Bid price for this vehicle if ordered before February 28, 2019. Ordering the truck now would also allow for the timely delivery of this vehicle.

The new vehicle would be utilized by the Utility Division for water system repairs (main breaks, service leaks etc.). Additionally, the total purchase price of \$175,193 includes a plow package for the truck to be used in snow removal. The vehicle is replacing a 2004 International dump truck that remains in decent condition. The 2004 truck will be transferred to the Street Operations Division and repurposed as one the City's primary plow trucks.

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

K. ORDINANCES – SECOND READING

1. Ordinance 2019-006 Amending Chapter 2 "City Council". (Second Reading)

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City Manager's Summary: This ordinance proposes certain revisions to Chapter 2 relating to the conduct of City Council meetings. At the City Council meeting of January 28, 2019, there was discussion regarding a number of provisions of the ordinance. That discussion continued on February 11, 2019, and Council action was postponed until the February 25, 2019 meeting. Discussion at the February 11 meeting included review of the Council's preferences with regard to public comment, as well as vision and planning meetings. The revised draft "redlines" changes made since the February 11 meeting.

With regard to public comment, Section 2.04(d) now reads that in the "Public Participation" portion of the Agenda interested persons may speak to any item on the meeting agenda and any item not listed for Council action. This means that persons wishing to speak to the Consent Agenda, or any discussion items or presentations would be afforded their opportunity to speak under Public Participation. Such persons would file a Speaker Request Form prior to the start of the meeting.

In addition, the ordinance directs that members of the public may speak to any agenda item presented for separate action at the time of presentation of that item, after a motion is made and prior to the staff presentation. Based on Council discussion, the ordinance requires that Speaker Request Forms shall be submitted prior to the presentation of the item in question, if a speaker seeks to address an item for separate action. The ordinance also addresses the Council's direction that persons wishing to speak shall have only "one bite of the apple," that is, that persons may not speak to the same item multiple times in a single meeting.

Although several Council members did speak to the importance of the three-minute speaking limitation, there was no clear Council consensus on this issue. Specifically, it was not clear if the Council wished to impose a single limitation of three minutes per speaker, per meeting, or if the limitation was intended to be three minutes per speaker, per time speaking. With the former limitation (three minutes per speaker, per meeting), an individual speaker would have three minutes per meeting to address any items which they sought to address. With the latter limitation (three minutes per speaker, per time speaking), an individual speaker would have up to three minutes per action item. In the case of an agenda with five action items, a single speaker would have up to 18 minutes per meeting to address the Council (three minutes under Public Participation and three minutes per action item). The City Manager has found no other municipal meeting regulations providing three minutes per person, per item. Accordingly, this ordinance contemplates three minutes per speaker, per meeting. If that does not accurately reflect the Council's direction, Section 2.04(d)(3) could be further revised.

With regard to the “Discussion, Vision and Planning meetings,” while no motion to amend was passed, the Council discussion focused on the concept of making the meeting(s) mandatory. Accordingly, the draft ordinance indicates that the City shall hold one or more of these meetings per year, with the Council determining the meeting date and time, and with the City Manager preparing the agenda. Given the direction from Council that staff be directly involved in the meetings, references to exclusion from the dais were removed. Additionally, in terms of best practices, such “visioning” or strategic planning meetings would typically set organizational objectives that would ultimately be incorporated into the fiscal year budget. A logical time for an annual strategic planning event would be around June of the City’s fiscal (calendar) year, sufficiently ahead of the more intense and elongated budget preparation process to allow some weeks to translate broad strategic goals into department objectives.

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

2. **Omnibus Approval of Ordinances Establishing Backup Special Service Areas as Follows: Ordinance 2019-008 Fatty’s/Culvers; Ordinance 2019-009 Popeye’s; Ordinance 2019-010 University Village; Ordinance 2019-011 University Plaza; Ordinance 2019-012 First Rockford/Nelson; Ordinance 2019-013 Casey’s; Ordinance 2019-014 Cornerstone; Ordinance 2019-015 Sonic; Ordinance 2019-016 Bandit’s Castle; Ordinance 2019-017 1114 Blackhawk Road; Ordinance 2019-018 Home2 Suites; Ordinance 2019-019 1792 Sycamore Road; Ordinance 2019-020 Plaza DeKalb; and Ordinance 2019-021 Establishing an Active Special Service Area for 924 Greenbrier Road. (Second Reading)**

City Manager’s Summary: This ordinance was heard on First Reading on February 11. There were no Council suggestions for revision. City Council approval on Second Reading is recommended. ([Click here for further information.](#))

3. **Ordinance 2019-023 Amending Chapter 38, Section 38.01 “Definitions”, Section 38.07 “Classification of Liquor Licenses”, and Section 38.13 “Restrictions Applicable to Hospitality Sales”. (Second Reading)**

City Manager’s Summary: This ordinance was heard on First Reading on February 11. The ordinance would include a new category of regulated liquor licenses: indoor sports simulation facilities. Jim Mason, owner of 1500 Sycamore Road, hopes to convert a presently vacant commercial building into an indoor sports simulation facility and this interest has prompted the Council’s consideration of this proposed ordinance revision.

The proposed building floor plan includes a warming kitchen and take-out pizza area, a full bar with video gaming, and a sport simulation area with seven bays

for sports simulators. Sport simulators are a combination of video, camera and computer equipment that allow participants to simulate engagement in a number of different sports indoors, including golf, soccer and other games.

The proposed area for bar liquor sales features locking doors on all sides that can be closed and locked outside of the permitted hours for bar liquor sales. The bar area would also include video gaming terminals and a pickup vestibule for pizzas. The proposed area for the sports simulators has a counter for participants to register and purchase merchandise, and there is also a pickup window for the bar. The owner's concept is to permit the bar area to be utilized by those 21 and older, and to permit the pizza take-out and sports simulation areas to be used by all ages. Persons within the sports simulation area would be permitted to consume alcoholic beverages if they were of legal age.

The concept proposed is similar to the orientation of bowling alleys within the City, where there is a permitted area for bar sales, and where patrons are permitted to bring alcoholic beverages out to the bowling lanes to consume while bowling. The inclusion of a staffed counter in the sports simulation area provides the owner with facilities to be able to supervise the consumption of alcoholic beverages in that area, and to ensure that no persons under 21 are being served.

Current City Liquor Codes permit this sort of licensed premises for a bowling alley, but not for indoor sports simulation facilities. The proposed amendment to the Liquor Code would permit a hospitality license for indoor sports simulation facilities. If the Council supports this ordinance, Mr. Mason will proceed to apply for a zoning special use permit (to allow the proposed facility at 1500 Sycamore Road), as well as a liquor license. Please note that approval of this item does not constitute approval of a license for the proposed premises at 1500 Sycamore Road, and the proposed amendments to the Liquor Code are not specific to that location.

The City staff have reviewed the proposed conceptual plans and have worked through a few minor revisions with the applicant, such as the inclusion of the customer counter in the sports simulation area, and the inclusion of lockable doors on the perimeter of the bar area. Final building plan review would occur at the time of permit application.

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

L. ORDINANCES – FIRST READING

- 1. Ordinance 2019-025 Amending Chapter 23 “Unified Development Ordinance”, Article 7 “Supplementary District Regulations”, Article 12 “Off-Street Parking and Loading Requirements”, Article 13 “Signs”,**

Article 16 “Administration and Enforcement”, and Article 18 “Appeals and Variances”. (*First Reading*)

City Manager’s Summary: In his very detailed memorandum (see Agenda file), Principal Planner Dan Olson reviews a number of Plan and Zoning Commission recommendations to revise Chapter 23, “Unified Development Ordinance,” (UDO) of the Municipal Code. These miscellaneous text amendments cover a range of items including the type of fences allowed, changing who authorizes traffic studies, allowing alternative paving materials for parking lots and driveways, modifying the landscaping and berming requirements for front yards, allowing variations for off-site temporary signs, changing references to the Board of Appeals to the Planning and Zoning Commission as appropriate, and clarifying what variances may be pursued in keeping with state statutes.

Mr. Olson will be prepared to answer any Council questions regarding the Planning and Zoning Commission’s months-long review, which began on December 5, 2018. A public hearing on the changes was held on January 23, 2019. This hearing was continued to February 6, 2019, at which time the Commission forwarded the attached recommendations to the Council for approval.

City Council approval of the Commission’s recommendations is requested. ([Click here for further information.](#))

2. Ordinance 2019-026 Amending the Fiscal Year-End December 31, 2019 (FY2019) Budget in the Amount of \$877,000 for Payments to the Illinois Treasurer and Illinois State Toll Highway Authority for Capital Improvement Projects. (*First Reading*)

City Manager’s Summary: This item concerns three project areas that have been the focus of federal and state funds that the City has received through DSATS (DeKalb-Sycamore Transportation Study) over many years. The project areas and individual allocations adding up to a total of \$877,000 are briefly summarized below:

Annie Glidden and Fairview Drive (AGFD).

In 2001, the City received federal funding to make various improvements to the City’s infrastructure. Working with the Federal Highway Administration (FHA) and IDOT, staff repurposed \$799,215 in federal funds to make improvements to the intersection of AGFD contingent on a matching 20% local share from the City.

After many years, the project is nearly complete. Landscape restorations and turn signal installations are scheduled for early spring. The City’s engineering consultant estimates the final cost closer to \$1,150,000. Subtracting the FHA’s max contribution of \$799,215.25, the City is obligated to pay \$350,784.75. The

\$70,000 contribution from the DeKalb Township Road District (approved in Resolution 2019-037 on February 11) reduces that local share to \$280,784.75. In order to provide a small contingency fund for the work not yet completed, the Public Works staff has requested the amendment to be in the amount of **\$285,000**.

Kishwaukee Kiwanis Multi-Use Path (KKMP).

In 2011, the DeKalb Sycamore Area Transportation Study (DSATS) published a Bicycle and Pedestrian Plan. The plan identified the KKMP as critical and necessary to connect NIU to the City's bike paths. DSATS estimated the total cost at \$1,071,000. As a result, the City received a not-to-exceed grant of \$695,020 from the Illinois Transportation Enhancement Program (ITEP) for the cost of construction and construction engineering, contingent on the City agreeing to pay a local share.

On April 24, 2017, Council approved [Resolution 2017-059](#) authorizing the appropriation of \$376,581 in Motor Fuel Tax (MFT) funds to pay the City's local share for the construction of the KKMP. Of the \$376,581 in appropriated MFT funds, \$120,000 was allocated for construction engineering and the remainder of \$256,581 was the City's local share.

In September 2018, construction for the KKMP was completed and the City has received its first invoice for its local share of construction costs. Although IDOT and the consultant engineer are finalizing one last quantity, overall project cost is less than expected at about \$950,000. To ensure timely payment and comply with general accounting practices, the Public Works staff requests Council approval of a budget amendment for **\$257,000** to pay the Illinois Treasurer for the City's local share of construction costs.

Peace Road Bridge (PRB)

In the summer of 2018, the Illinois State Toll Highway Authority (ISTHA) repaired the Ronald Reagan Memorial Tollway (I-88) from Illinois Route 56 to Annie Glidden Road. The work included road resurfacing, shoulder reconstruction, drainage improvements, and the rehabilitation of crossroad bridges such as the Peace Road Bridge.

Previously, the City maintained the PRB in accordance with a 1996 IGA between the City and the Toll Authority. The 1996 IGA outlined the City's maintenance responsibilities in exchange for the ISTHA's commitment to replace the bridges and pay associated costs. Last summer's repairs required a new IGA to be approved by resolution. The project scope was reduced, and we were able to leverage the cost reductions to include a greater investment by the Toll Authority. On February 12, 2018, Council passed [Resolution 2018-012](#) agreeing to pay the reduced cost of surface repairs to the Peace Road Bridge. In November 2018, the City received its first invoice from the Toll Authority for \$105,875.22. To pay the invoice and future local share invoices,

the Public Works staff request Council approval of a budget amendment in the amount of **\$215,000**.

The three proposed budget amendments are shown in the table below:

Project	Budget Line Item	Proposed Amendment
Annie Glidden and Fairview Drive	210-00-00-83900	\$285,000
Kishwaukee Kiwanis Multi-Use Path	210-00-00-83900	\$257,000
Peace Road Bridge Repairs	210-00-00-83900	\$215,000
		\$757,000

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

3. Ordinance 2019-027 Amending Chapter 55, “Hotels and Motels”, to Eliminate Hotel and Motel Tax on Properties with Five or Fewer Hotel Rooms. (First Reading)

City Manager’s Summary: Parkside Inn, located at 203 E. Roosevelt Street, is a lawfully established Bed and Breakfast (B&B) that was granted special use approval by Council in accordance with the Unified Development Ordinance (UDO). According to the UDO, B&Bs may be authorized as special uses only in the TFR, MFR-1, MFR-2, CBD, and RC-1 Zoning Districts. They cannot be authorized in any SFR-1 or SFR-2 property, which are by far are the most prominent residential zones in DeKalb. Parkside Inn is the only lawfully established B&B in DeKalb. The more recent introduction of popular websites such as AirBNB, Vacation Rental By Owner (VRBO) and others, and the entry of local properties and rooms into the DeKalb market have created unfair competition. These private weekend rental sites have not been authorized through local zoning and do not pay hotel/motel taxes. A random review of these website properties on-line reveals they are located in SFR-1 or SFR-2 zoning districts, where Bed and Breakfast establishments are not even allowed pursuant to the UDO.

Chapter 55 of the Municipal Code regulates the inspection and taxation of hotels and motels. It requires inspections for establishments having five or more rooms, and taxes these establishments. Parkside Inn has been paying its hotel/motel tax since it was approved, which annually has amounted to less than \$1,000. While this tax is minimal compared to DeKalb’s larger hotel and motel establishments, it does put the only lawfully established bed and breakfast business in DeKalb at an economic disadvantage when compared to those website properties that are not being tracked or paying the local room tax. Although it is difficult to tell for sure how many properties in DeKalb may utilize these sites at any given time, it is estimated that there may be 20 or more sites at any given time.

The Community Development staff originally investigated the possibility of “leveling the playing field” between Parkside Inn and other properties being offered via the various websites by identifying and requiring undocumented properties to obtain special use approval and pay the hotel/motel tax. However, given the fact that it would be difficult to identify and track new entries into the market, and that many of the properties were likely located in the SFR-1 and SFR-2 zoning districts which do not allow B&Bs, the process would be long, involved, and ultimately would not generate financial returns worthy of the investment of staff resources.

The City Manager recommends amending the code to eliminate the hotel/motel tax for any hotel (or B&B) having fewer than five (5) rooms.
[*\(Click here for further information.\)*](#)

4. Ordinance 2019-028 Repealing Chapter 68, “Self-Storage Tax.” (*First Reading*)

City Manager’s Summary: During the preparation of the FY2019 budget, the City evaluated a number of different means for controlling costs and producing additional revenues, in order to balance the City’s budget and meet the Council’s established fund balance policies. Among the measures that the City Council considered at that time was the implementation of a five percent (5%) tax on gross receipts at self-storage facilities. This new tax was included in a new Chapter 68 of the City Code. The City Council undertook first reading of the ordinance on December 10, 2018 and passed the ordinance as a component of the FY2019 budget approval with Ordinance 2018-090 on December 18, 2018.

Under the provisions of that ordinance, the City was to develop and implement filing forms and reporting processes, and the first tax period was to be the month of February 2019 with first payments due on or before March 20, 2019. The City has not, to date, taken steps to implement this tax. The tax was one component of a package of proposed new revenues, including an adjustment in hotel-motel taxes, revision in false alarm and ambulance fees, and related measures. The tax was discussed through City Council and Finance Advisory Committee meetings in advance of passage, but there was limited public feedback received on the proposal at that time.

In the time since its passage, Assistant City Manager Ray Munch has conducted further evaluation of the revenue to be produced by the measure, the additional administrative burden on the City’s limited finance staff, and the costs imposed on the self-storage facilities within the community. Based upon that analysis, **City Council repeal of the self-storage tax is recommended.**
[*\(Click here for further information.\)*](#)

M. REPORTS AND COMMUNICATIONS

- 1. Council Member Reports**
- 2. City Clerk Report**
- 3. City Manager Report**

a. Freedom of Information Act (F.O.I.A.) Report – January 2019.

In keeping with the public’s right to know about how the City government spends their tax dollars, the attached monthly report details the time and cost necessarily allocated to answering F.O.I.A. requests in a timely and thorough manner. An administrative assistant spends much of her time addressing two general kinds of F.O.I.A. requests:

- Requests for Police reports regarding traffic violations and alleged misdemeanor and felony actions, etc.
- Requests for information regarding a variety of civil matters including development activity, correspondence involving city officials, and City operations, among other things.

The table below depicts the number of requests and staff hours answering F.O.I.A. requests in January:

Month	FOIA Type	Requests	Hours Spent	Staff Cost
January 2019	City	33	88.30	\$3,557.06
	Police	76	13.72	\$440.59
TOTALS		109	102.02	\$3,997.65

A more detailed report is provided with the on-line Agenda documents. [**Click here for further information.**](#)

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

O. ADJOURNMENT

[**\(CLICK HERE FOR FULL AGENDA PACKET\)**](#)

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