



**DEKALB CITY COUNCIL AGENDA
REGULAR MEETING
APRIL 11, 2022
6:00 P.M.**

DeKalb Public Library
Yusunas Meeting Room
309 Oak Street
DeKalb, Illinois 60115

Pursuant to Chapter 2 “City Council”, Section 2.04 “Council Meetings”, persons wishing to address the City Council during this meeting are required to register with the City Clerk or the Recording Secretary by filling out and submitting a Speak Request form, copies of which are located on the table just outside the meeting room, along with copies of the agenda. Comments will be limited to three (3) minutes. Further information for addressing the City Council can be found on the Speaker Request form.

A. CALL TO ORDER AND ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF THE AGENDA

D. PRESENTATIONS

1. [Proclamation: National Public Safety Telecommunicators Week, April 10-16, 2022.](#)

E. PUBLIC PARTICIPATION

F. APPOINTMENTS

None.

G. APPROVAL OF THE MINUTES

1. Minutes Submitted by the City Clerk

None.

2. Minutes Submitted by the Recording Secretary

- a. [Minutes of the Regular City Council Meeting of March 28, 2022.](#)

H. CONSENT AGENDA

1. [Accounts Payable and Payroll through April 11, 2022, in the Amount of \\$2,503,272.20.](#)

Assistive services, including hearing assistance devices, available upon request.

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I. PUBLIC HEARINGS

None.

J. CONSIDERATIONS

1. Appointment of Acting Fire Chief Michael Thomas as Full-Time Fire Chief in the City of DeKalb.

City Manager's Summary: Mike Thomas has been serving as Acting Fire Chief since former Chief McMaster's retirement on November 29, 2021. Over the past four and a half months, he has served ably and well as Acting Chief. He immersed himself in his department's new FY2022 budget, engaged firefighters at all levels in planning new operational and training protocols to effectively employ nine new firefighters hired under the SAFER grant, led his department's discussion about the make, model and outfitting of two new fire engines to be purchased in FY2022, and quickly revealed his leadership skills on the City Manager's executive team.

Prior to former Chief McMaster's retirement last Fall, a national Fire Chief search was pursued. A community search committee interviewed two "outside" finalists, but agreement could not be reached with the leading candidate over compensation or the City's residency requirement. At that point, the search was suspended and Acting Chief Thomas stepped up to provide critical leadership. He has convincingly demonstrated his keen understanding of Fire administration and operations in general, and the requirements of the DeKalb Fire Department in particular.

Mike Thomas was hired as a Firefighter/Paramedic in July, 1995. In September 2009, he was promoted to Lieutenant/Paramedic and in April 2016 he was promoted to Captain/EMT-B. In July 2019, Mike was promoted to Battalion Chief/EMT-B and on October 17, 2021, he was appointed Deputy Fire Chief of Operations, followed by his elevation to the position of Acting Chief in November 2021.

Acting Chief Thomas possesses the fundamental technical and administrative skills to be Fire Chief. Just as important, he possesses a confident and collaborative style of leadership that is very much needed as the Department embraces its higher level of staffing, pending vehicle and equipment upgrades, and facility improvements to accommodate male and female firefighters.

The DeKalb Municipal Code states that the City Manager shall "appoint and remove all officers, department heads, and employees of the City." The City Manager has offered the position of Fire Chief to Mike Thomas and he has accepted. His first day as Chief is April 11. The official swearing-in and badge-pinning will be conducted at the Council meeting.

2. Consideration of the City's Food Truck Licensing Requirements.

City Manager's Summary: Food or Beverage Vending Vehicles, also known as Food Trucks, are regulated by DeKalb Municipal Code Chapter 33 "Peddlers, Solicitors and Itinerant Merchants", Section 33.13 "Food or Beverage Vending Vehicles." This code section does not apply to vehicles used for the home delivery of food or beverages, or vehicles used to deliver food and beverages to grocery stores. The purpose is to provide general guidelines for the safe operation of "food trucks" that serve customers at a growing

number of events in our community and can be found on a regular basis during moderate weather in the parking lots of larger industrial firms catering to shift changes and lunch-time customers.

The detailed regulations and licensing that have applied to food trucks in DeKalb have been revised a number of times since 2017. This consideration will propose some new language that has been prompted by the most recent customer and vendor experience in DeKalb.

On May 14, 2018, and again on December 18, 2018, the Council approved interim licensure resolutions to streamline the application and approval process for the licensure of food trucks that had previously been so strict as to discourage food trucks in DeKalb. Before the interim rules were to expire on June 30, 2019, the Council extended the interim rules through the “season” (June 24, 2019, Resolution 2019-103).

The regulations in place today were approved by the Council on October 14, 2019 (Ordinance 2019-061). The ordinance revisions reduced the range of fees but maintained a ladder of costs that went with the license application (\$25 for each person involved in the truck); background investigations (\$50 for each person listed on the license application); vehicle inspection (\$50); and an annual license renewal fee of \$50.

Although easing the City’s regulations somewhat, the October 2019 rules have not stimulated food truck use in DeKalb. In fact, **between 2019 and 2021, only four food truck licenses have been issued.** This is hard to accept. Food trucks are ever-present in other jurisdictions at public auctions, school events, business parking lots, downtown festivals, and everyday street-corner service. As we anticipate a re-configured and more welcoming downtown streetscape and business area, it is time to think again about what makes DeKalb unwelcoming to such vendors. The detailed City requirements are appended in Exhibit B, attached.

It should be noted that the DeKalb County Health Department enforces a separate set of license requirements that pertain to the safe handling, storage, and service of food either prepared within a vehicle, or pre-packaged. The detailed County requirements are explained in Exhibit A, attached. For mobile units that prepare food, the County licensure costs total \$280; for mobile units that offer only pre-packaged foods, the overall cost is \$180.

To focus discussion, the City staff suggest the following general parameters:

- a) Continue to encourage interested vendors to begin their path to licensure with the County Health Department, which enforces the public health parameters including such sanitary considerations as available hot and cold water, portable handwashing facilities, dishwashing facilities (if applicable), and the identification of restrooms at or near the site.
- b) Create a “one-stop” shop experience with the City. Limit the fees to one payment at the time of application. If for some reason the license is not granted, the application fee will be re-funded.
- c) Remove the background investigation. It is true that around the country there have been instances over time in which mobile unit vendors have put both juveniles and

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adults at risk. However, the fact is that the persons operating the vehicles often change throughout the season and there is no City staff capacity to routinely check IDs for unit personnel. The DeKalb Police are more likely to learn of suspicious activity by being visible and present at events where such vendors may set up shop.

d) Retain such common sense rules as the following:

- No food or beverage vending vehicle should use annoying strobe lighting to solicit retail sales or advertise the presence of the vending vehicle while in operation in the City.
- No food or beverage vending vehicle should emit noise or amplify music to solicit retail sales except while stationary and parked in a lawful location. Any music, noise or sound amplification must comply with all applicable local, state, and federal regulations, and 1) must be at a volume that does not create a nuisance; and 2) must be at a volume that will not be heard more than 300 feet from the food or beverage vending vehicle.
- The operator of any food or beverage vending vehicle should report and pay sales taxes, with such sales taxes being reported as originating within the City, where required under applicable Illinois law. The operator should also remit any required Restaurant and Bar taxes required under City Code.
- Food trucks cannot be parked within City rights of way where they might pose a distraction to motorists and undue risks for customers milling around the unit.

City Council direction is recommended. ([click here for additional information](#))

K. RESOLUTIONS

1. Resolution 2022-035 Authorizing an Access and Remediation Agreement with Nicor Gas and Commonwealth Edison.

City Manager's Summary: Public Works was approached in November of 2020 by Nicor Gas and ComEd to work out a remediation agreement whereby the two utilities would remediate ground contamination that has encroached on the City's Street Department footprint at the sole expense of the utilities. The Street Division is requesting the authorization of an access and remediation agreement with the Nicor Gas Company, Exelon Corporation, and Commonwealth Edison Company. This agreement has been vetted by the City Attorney and the respective legal counsels of the utilities.

From approximately 1901 to 1941, fuel gas for lighting, heating, and cooking was produced at a manufactured gas plant (MGP) located at the approximate location of the City's salt storage shed and liquid deicer island near the intersection of Market and N. Fourteenth Streets. The utilities have conducted environmental investigations to evaluate the potential presence of chemicals at or near the MGP site, potentially generated by earlier MGP operations.

The attached Agreement grants access to City property located at 1316 Market Street for the remediation, which will include the removal and rebuilding of the Street Division's salt

storage shed and liquid deicer island. The removal and rebuilding of these structures will be at the utilities' sole expense.

City Council approval is recommended. ([click here for additional information](#))

2. Resolution 2022-036 Authorizing the Purchase of Structural Firefighting Gear from Air One Equipment, Inc. in an Amount Not to Exceed \$40,366.

City Manager's Summary: The National Fire Protection Association (NFPA) standards require Fire turnout gear to be replaced every ten (10) years. Typically, the DeKalb Fire Department has sufficient gear on hand to outfit new firefighters. The ten (10) newly hired firefighters in 2021 and 2022 (including the "SAFER 9") all need new gear. Additionally, the turnout gear for four (4) other firefighters will expire in 2022. As a result, the Fire Department solicited bids on 14 new sets of "structural" fire pants and coats. The lowest price was tendered by Air One Equipment Inc. with a quote of \$2,869 per set, plus \$200 for shipping, or a total of \$40,366. This price does not include helmets, gloves, hoods, and boots but the department should have an adequate supply of these types of gear on hand.

The gear will be purchased from Fund 130 (Ground Emergency Medical Transport or GEMT Fund).

City Council approval is recommended. ([click here for additional information](#))

L. ORDINANCES – SECOND READING

None.

M. ORDINANCES – FIRST READING

1. Ordinance 2022-017 Amending Chapter 7 "Water Service", Section 7.18 "Water Rates", and Section 7.18-6 "Water Service Fee".

City Manager's Summary: As Bryan Faivre, Assistant Director of Public Works for Utilities, Engineering and Transportation, writes in his detailed background memorandum, the City's water rate and water service fee are both components of the billed user rate for City water service. The water rate is specifically tied to water consumption; the water service fee is a minimum flat fee that is billed bi-monthly and varies based on water meter size. The meter size is in turn related to the building use. The working assumption has historically been that larger and more complicated building designs invite higher capital costs for the City in terms of fire protection and tributary mains.

Chapter 7.18 (Water Rates) of the City's Municipal Code states that the Water Rate and Water Service Fee shall be "subject to a positive adjustment annually using the increase, if any, in the most recent Consumer Price Index (CPI)." Prior to 2021, the Municipal Code permitted annual CPI increases without Council consideration. This code provision was revised last year to invite Council consideration of any fee increases, in the best interest of our customers.

This approach is all the more important because of the climbing consumer price increases state-wide and nation-wide. The most recent CPI (February 2021 to February 2022) would result in a water rate increase of 7.1%. This adjustment would be effective April 1, 2022,

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for bills issued on the July 1 bill cycle. A 7.1% CPI water rate and water service fee increase would result in the average single-family home paying approximately \$32.64 more per year in water cost and would generate an estimated \$447,724 annually in revenue to the Water Fund, assuming water sales remain flat.

Many businesses and individuals continue to struggle with the negative economic impacts of COVID-19 in addition to rising inflation. The City's Water Fund is no exception to this condition. Increased commodity, shipping, and labor costs have adversely impacted all aspects of the Water Fund's budget. Because 95% of the Water Fund's revenues are generated through water sales and water service fees, a thoughtful consideration of water rates is a prudent fiscal exercise. At the same time, any fiscal determination must be balanced with the impact on our customers. For this reason, several water rate options are provided for the Council's consideration:

1. Water Rate increase of 7.1% (based on CPI)
2. Water Rate increase of 3.5% (one-half of CPI)
3. Water Rate increase of 2.6% (same increase as 2021)
4. No water rate increase.

The impacts of each option as it relates to the Water Fund and our customers are compared in the following table:

Water Rates				Water Service Fee			Water Fund and Customer Impact	
Current Water Rate (per unit)	Proposed Water Rate Increase	Rate Increase (per unit)	New Water Rate (per unit)	Current Bi-Monthly Water Service Fee *(3/4" water meter)	Bi-Monthly Water Service Fee Increase	Proposed Bi-Monthly Water Service Fee	Estimated Total Additional Water Revenue Generated	Annual Increase to Customer's Water Bill
\$3.94	7.10%	\$0.28	\$4.22	\$13.46	\$0.96	\$14.42	\$447,724	\$32.64
\$3.94	3.50%	\$0.14	\$4.08	\$13.46	\$0.47	\$13.93	\$220,709	\$16.07
\$3.94	2.60%	\$0.10	\$4.04	\$13.46	\$0.35	\$13.81	\$163,955	\$11.94
\$3.94	0.00%	\$0.00	\$3.94	\$13.46	\$0.00	\$13.46	\$0.00	\$0.00

* Water Service Fee for meters greater than 3/4-inch will be higher

A comparison of water user fees for surrounding communities is presented below. The comparison is based on the monthly cost for 6,000 gallons of water, which is the average use for a typical home. The total monthly water cost listed in the table includes the water rate as well as any other associated fees used in calculating the billed user rate. A CPI adjustment of 7.1% would result in the monthly water cost increasing from \$38.33 to \$41.05 per month for DeKalb customers, or an increase of \$2.72 per month. **As an alternative to the CPI increase, an increase of 3.5% (1/2 the CPI) would result in the monthly water cost increasing from \$38.33 to \$39.67, or an increase of \$1.34 per month (Option #2, above).** The Water Rate Comparison Chart below shows how DeKalb's water rate would compare to other communities, assuming a 3.5% rate increase.

Current Water Rate Comparison	
Municipality	Total Avg Monthly Water Cost per 6,000 gallons
Geneva	\$54.62
Elburn	\$49.49
Maple Park	\$48.28
Sycamore	\$41.98
DeKalb	\$39.67*
St. Charles	\$38.41**
Genoa	\$34.10
Cortland	\$32.50

*DeKalb's monthly water rate with a proposed 3.5% rate increase

**The City of St. Charles does not include "summer user rates" which are 71% higher.

The City Manager recommends a 3.5% water rate increase that would result in an average monthly cost per 6,000 gallons of \$39.67. **City Council approval is recommended.** ([click here for additional information](#))

N. REPORTS AND COMMUNICATIONS

1. Council Member Reports.
2. City Manager Report.

O. EXECUTIVE SESSION

1. Approval to Hold an Executive Session in Order to Discuss the Purchase or Lease of Real Property as Provided for in 5 ILCS 120/2(c)(5) and Pending Litigation as Provided for in 5 ILCS 120/2(c)(11).

P. ADJOURNMENT

[REGULAR AGENDA PACKET – APRIL 11, 2022](#)

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