



**DEKALB CITY COUNCIL AGENDA
REGULAR MEETING
APRIL 26, 2021
6:00 P.M.**

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

COVID-19 Notice: This meeting will be conducted in-person with a physically present quorum and open to the public. The corporate authorities of the City of DeKalb intend to conduct this meeting in compliance with all applicable social distancing and public health requirements. All persons attending this meeting in-person shall be required to wear protective face masks/coverings. Furthermore, the corporate authorities of the City of DeKalb intend to conduct this meeting pursuant to Illinois Governor JB Pritzker's Executive Order (the "Executive Order") prohibiting meetings of more than 50 people, unless the City of DeKalb determines that it is necessary to invoke the Governmental Functions exemption of the Executive Order "to ensure the operation of government agencies or to provide for or support the health, safety and welfare of the public."

As a convenience to the public, the City of DeKalb may also provide video, audio, telephonic or internet access for the public to monitor this meeting. The provision of any such remote means of access is not intended to provide for attendance by a means other than physical presence due to the COVID-19 public health emergency, nor is it intended to provide an opportunity for the public to address public officials, make public comment or otherwise participate in the meeting. Persons wishing to provide public comment or otherwise address public officials in person during this meeting must comply with all applicable rules governing the conduct of this meeting including, but not limited to, the aforementioned social distancing and face covering requirements.

The City of DeKalb is providing the following conveniences for the public to monitor and participate in this meeting:

- Persons wishing to view the meeting from home or elsewhere can tune in to Channel 14 or by following the link provided [here](#).
- Persons wishing to provide public comment but are unable to attend the meeting in person or remotely may forward their comments by clicking on the link provided [here](#). Note that all submissions must be received no later than 12:00 p.m. on the day of the meeting in order to ensure dissemination to the City Council before the meeting convenes.

[Zoom Meeting Information](#)

Join Zoom Meeting: <https://us02web.zoom.us/j/83289567395?pwd=K2EwQmFUWUZhTUZORkxmeUZSWnpKZz09>

Meeting ID: 832 8956 7395

Passcode: 149589

One Tap Mobile: +13126266799,,83289567395#,,,,*149589# US (Chicago)

- For those participating via Zoom and wishing to comment during the public participation portion of the meeting, or prior to Council's discussion of a particular item, please click on the link provided [here](#) and add in the Comment Section that you wish to address Council verbally. Note that all submissions must be received no later than 12:00 p.m. on the day of the meeting in order to ensure your name is added to the list of remote speakers.

A. CALL TO ORDER AND ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF THE AGENDA

D. PUBLIC PARTICIPATION

E. PRESENTATIONS

1. Honoring Elected Officials Leaving Service in 2021.

F. APPOINTMENTS

None.

G. CONSENT AGENDA

1. [Minutes of the April 12, 2021 Regular City Council Meeting.](#)
2. [Accounts Payable and Payroll through April 26, 2021 in the Amount of \\$2,073,454.88.](#)
3. [Investment and Bank Balance Summary through February 2021.](#)
4. [Year-to-Date Revenues and Expenditures through February 2021.](#)
5. [Freedom of Information Act \(FOIA\) Report – March 2021.](#)

H. PUBLIC HEARINGS

None.

I. CONSIDERATIONS

1. Consideration of Remarks by Departing Elected Officials.

City Manager Summary: Under “Presentations,” above, elected officials leaving service on May 10 will have an opportunity to offer brief remarks on their years of service. This Agenda item is offered for any extended remarks the departing officials may wish to share.

J. RESOLUTIONS

1. **Resolution 2021-034 Authorizing the Approval of a Release and Settlement Agreement in the Elonte McDowell Lawsuit.**

City Manager Summary: The attached resolution identifies the result of a settlement conference held on March 25, 2021 before Magistrate Judge Margaret Schneider in the United States District Court. At the direction of the City’s insurer, the City (and the

City's former and current police officers who were individually sued in this litigation) agreed to settle this litigation for \$285,000.

While this settlement is subject to the Council's approval, the City's insurance policy contains a "Hammer Clause" which essentially makes the City liable for all defense and indemnity costs if the City does not settle at an amount recommended by the insurer. If approved, the City will be liable for its self-insured retention of \$100,000. If the Council rejects this settlement, the City's future ability to obtain reasonable insurance coverage will be jeopardized.

It should be noted that Plaintiff and DeKalb County did not agree to a settlement at the settlement conference, and the Plaintiff is likely to continue to litigate his claims against the County of DeKalb.

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

2. Resolution 2021-035 Authorizing the Approval of a Settlement and Release Agreement in the "Hunter Properties" Ordinance Violation Citations.

City Manager Summary: Since mid-2018, the City of DeKalb has continuously been in the Circuit Court of DeKalb County (the Twenty-Third Judicial Circuit) prosecuting Hunter Properties for a wide variety of building code violations that were not resolved by the Hunter ownership group or its management staff in the best interest of the health and safety of its residents. The resistance of Hunter Properties to the settlement of all outstanding claims prompted the City in mid-2019 to seek a legal and practical basis for (1) the settlement of all outstanding City claims and (2) the rigorous enforcement of property maintenance standards at the various properties, which collectively include slightly less than 1,000 units in the northwest quadrant of DeKalb.

Over the past year, City Attorney Matthew Rose has represented the City of DeKalb in a number of settlement conferences before Judge Brad Waller in the DeKalb County Circuit Court. Judge Waller has invested significant time and effort to mediate the parties' vast differences. The end result of these conferences is a draft agreement which may help break the recurring cycle of code violations at Hunter Properties, the Hunter resistance to code compliance, and the costly litigation of outstanding Hunter code violations. The proposed settlement also puts into place a path toward a change in ownership of four principal properties under Hunter ownership, on the assumption that Hunter Properties will not otherwise cease its callous indifference to reasonable property standards and responsible management.

The material terms are as follows:

1. Hunter shall retain, in an arms-length transaction, a reputable, independent, licensed commercial real estate broker (currently identified as Marcus & Millichap and Triad Real Estate Partners) to sell, in arms-length transactions, within 42 months, the following Properties: Hunter Ridgebrook (808-832 Ridge and 832 Edgebrook), Hunter Tri-Frat (930-934 Greenbrier and 1024 W. Hillcrest), Lincoln Tower (1100 W. Lincoln), and Hunter Hillcrest (1011-1027 Hillcrest).
2. Hunter shall deposit an escrow of \$150,000 (or \$37,500 for each of the properties), which will be paid to the City in proportion to the number of properties that Hunter

fails to sell within the 42-month time frame. For example, if Hunter fails to sell three of the four properties in timely fashion, then the City will be paid \$112,500 from the escrow.

3. Hunter shall immediately undertake various repairs and security measures recommended by the City's Building Department, Fire Department and Police Department.
4. The City shall have an (assignable) option to purchase any of the properties at their individually appraised value as determined by an agreed appraiser.
5. The Parties shall waive and release any claims that they may have against each other relating to all of the Hunter properties. This release does not impair the City's future Code enforcement actions against Hunter.

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

3. Resolution 2021-036 Authorizing the Transfer and Assignment of an Agreement from Illinois Convenience & Safety Corporation to View Chicago Transit, LLC as it Pertains to the Placement of Bus Shelters along Transit Routes in DeKalb.

City Manager Summary: On December 13, 2004, the City entered into an agreement with Illinois Convenience & Safety Council (IC&SC) to install and maintain bus shelters within the DeKalb Urbanized Area in exchange for advertising on those shelters. The agreement also stipulated that 10% of the annual revenue received from the shelter advertising sales would be returned to the City and used for public transit-related expenses. The initial contract with IC&SC was a 10-year agreement which automatically renewed in January 2014 for an additional 10 years. This contract will be up for renewal again in January 2024.

On March 25, 2021, the President of IC&SC, Bruce Campbell, informed the City that IC&SC was being sold to View Chicago, LLC, a company that specializes in billboard and outdoor advertising throughout the northeastern portion of the state. Campbell will assume the role of Vice President of Operations for View Chicago and will remain as the direct point of contact for the City of DeKalb transit staff.

The attached novation between the City, IC&SC, and View Chicago allows IC&SC to transfer its rights to View Chicago, and View Chicago agrees to provide all the privileges the City was entitled to receive from IC&SC. Further, the City retains the same contractual rights if View Chicago fails to perform.

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

4. Resolution 2021-037 Authorizing a Second Amendment to the Transit Service Provider Agreement with Transdev Services, Inc.

City Manager Summary: The attached resolution would authorize revisions in transit service hours without reducing rider coverage, and at the same time generating a savings that can be used to increase driver base wages to a level equivalent to comparable transit operations in the region. The impetus for this change is the increasing challenges in hiring and recruiting CDL holders – challenges which the City

of DeKalb Public Transit System's fixed route provider, Transdev Services, has been facing. Existing hiring challenges were exacerbated by the COVID-19 pandemic, and Transdev has struggled to return their employee roster to pre-pandemic levels. Confined space paired with a reduced rider population during a pandemic has made recruiting a tougher task in an industry governed by strict federal and state regulations for CDL holders.

The City's Transit staff recently surveyed urban transit systems in six Illinois and one Wisconsin community to gather their bus operator wage structures based upon years of service. The seven locations included Peoria, Rockford, Champaign, Moline, Decatur, Kankakee, and Waukesha, WI. Results from the seven locations showed the following average wage rates for a heavy-duty bus operator with a CDL:

Table 3: Statewide Average Bus Operator Wages

Year 1	\$18.11
Year 2	\$19.24
Year 3	\$20.49
Year 4	\$21.81
Year 5	\$22.62
Year 6	\$23.11
Year 7	\$23.64

As of March 15, 2021, the starting wage rate for a heavy-duty bus operator at Transdev is \$14.35 per hour. Effective January 1, 2022, the starting rate for a heavy-duty bus operator will increase to \$16.00 per hour. These wage rates are about 20% below the average rate gathered from the seven other locations surveyed. In addition to the statewide average, the City's Transit staff also reviewed the American Public Transportation Association's 2019 Wage Rate Database. This database includes wage statistics for a variety of public transportation positions, including heavy-duty bus operators. According to the report, the average wage rate for a bus operator at an agency with 1 – 199 employees, such as the former Huskie Line, is \$18.37 per hour. In short, the rates paid by Transdev fall substantially below the nationwide average.

To increase stability and consistency in driver recruiting and retention, the City's Transit Coordinator, Marcus Cox, has proposed that the City incorporate an amendment within the transit service provider agreement that would allow the City to increase the per revenue hour cost by up to \$4 to enhance the wages of the Transdev heavy-duty bus operators and more closely align with the statewide and nationwide average wage for the same position at other urban transit agencies. It is further proposed that the increase should only be used for the purpose of salaries and fringe benefit costs for bus operators and the bus operator support staff. Transdev would be required to submit monthly reports to the City verifying that the additional expenses were directly related to the salary and fringe costs, and at no time shall the increase in per revenue hour cost be put towards company earnings. The proposed wage structure is attached and would be in effect through December 31, 2023 when the base contract portion of the Transdev agreement expires.

How does the reduction in service hours work? The analysis performed by the City's transit staff suggests that a reduction of 29 hours of full-schedule weekday revenue hours, along with a small amount of weekend and break service hours, is possible

because of reduced ridership, and would increase the efficiency of the fixed route service while still providing the same level of frequency to passengers throughout the AGN service area. A summary of the proposed schedule adjustments for both the Full and Break Service Schedules can be found below in Tables 1 and 2, below:

Table 1. Revenue Hours per Day (Full-Service Schedule)

	Contracted Revenue Hours	Proposed Revenue Hours	Difference
Monday	257	228	-29
Tuesday	257	228	-29
Wednesday	257	228	-29
Thursday	257	228	-29
Friday	243	218	-25
Saturday	119	112	-7
Sunday	100	97	-3
Total per Week	1,490	1,339	-151

Table 2. Revenue Hours per Day (Break Service Schedule)

	Contracted Revenue Hours	Proposed Revenue Hours	Difference
Monday	132	127	-5
Tuesday	132	127	-5
Wednesday	132	127	-5
Thursday	132	127	-5
Friday	132	127	-5
Saturday	116	108	-8
Sunday	92	92	0
Total per Week	868	835	-33

Based on the proposed weekly revenue hour changes described in the tables above, annual revenue hour totals would be adjusted from 64,266 to 58,861 and would generate an annual savings of approximately \$250,000 that would provide the revenues necessary to raise driver wages levels as described above.

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

- Resolution 2021-038 Authorizing an Intergovernmental Agreement with the Illinois Department of Transportation for Cost Sharing of Intersection Signalization from July 1, 2021 through June 30, 2031.**

City Manager Summary: For more than twenty years, the City has been party to an intergovernmental agreement with the Illinois Department of Transportation to provide maintenance on traffic signals on state-marked routes that pass through the City. These agreements typically have a ten-year life. The attached intergovernmental agreement continues an existing IGA for another ten years and will assure the City of payment for its maintenance efforts.

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

6. Resolution 2021-039 Authorizing an Architectural Improvement Program (AIP) Economic Incentive for Patrick McLean for the Property at 201-203 E. Locust Street in the Amount of \$1,850.00.

City Manager Summary: Patrick McLean, the owner of the commercial downtown property at 201/203 E. Locust Street, has applied for an Architectural Improvement Program (AIP) grant to assist in the re-siding of the building, the re-roofing of the flat portion of the roof facing Locust Street, and the re-surfacing of the asphalt parking lot. These exterior items fall under the “Deferred Maintenance” category of eligible projects, reimbursable in the amount of 10% of the estimated project cost. The property has been well-maintained since Mr. McLean and his family purchased the building and grounds, which uniquely offer off-street parking to the tenants of the building.

The low bid prices for each repair are as follows:

- a) Flat-roofing repair: Gamez Construction, \$3,450
- b) Re-siding with vinyl and the wrapping of the window and door trim with aluminum: Gamez Construction, \$8,550
- c) Asphalt re-surfacing: Palencia Paving & Sealing, \$6,500

Total Project: \$18,500

10% Reimbursement: \$1,850

Once funding is approved by the City Council, the Applicant will enter into a legal agreement with the City of DeKalb. This agreement stipulates that the Owner will maintain the improvements for a minimum period of five (5) years in exchange for funding from the City.

Funding is provided as a forgivable loan (i.e., the City “forgives” 20% of the value of the matching funds each year). The agreement also stipulates the applicant has one (1) calendar year from the time the approval is granted for all work to be completed.

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

7. Resolution 2021-040 Authorizing an Engineering Services Agreement with KLM Engineering Services for Coating Inspection and Construction Engineering Related to the Painting and Repair of the South Water Tower in an Amount Not to Exceed \$34,014.

City Manager Summary: As the Council will recall, Dixon Engineering supervised the recent bidding process for the painting of the South Water Tower. The City staff chose to select a different engineering consulting firm from its pre-qualified list to provide inspection services during the painting project.

Bryan Faivre, Director of Utilities and Transportation, has requested approval of an engineering services agreement with KLM Engineering Services in an amount not to

exceed \$34,014 for critical phase coating inspection and construction engineering for the painting and repair to the City's South Water Tower. With their proposal, KLM submitted a very detailed Statement of Qualifications, including their Project Team and references (Exhibit A). KLM's main office is in Minnesota, but they maintain an Illinois branch in New Lenox as well.

Mr. Faivre has also spoken with James Creed, the New Lenox branch manager. Mr. Creed is a NACE III certified inspector and has considerable experience with the Illinois Preference Act and the IEPA's newly-adopted corrosion mitigation standards for Illinois community water supplies. Both topics were central to the Council discussion in March. KLM has performed similar services on water towers since the 1970's. Their inspectors are certified with NACE (National Association of Corrosion Engineers) and AWS (American Welding Society). KLM has also worked with the City of Sycamore, which provided a strong reference. In terms of pricing, Dixon Engineering had proposed a price of \$51,500 for the same services in 2020.

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

K. ORDINANCES – SECOND READING

None.

L. ORDINANCES – FIRST READING

- 1. Ordinance 2021-016 Amending Chapter 51 “Traffic”, Schedule C “Parking Prohibited”, Section 18 “No Parking at Any Time Except For Residents: Tow Zone”, and Schedule E “Limited Parking”, Subsection “Ten Minutes, for the Purpose of Loading and Unloading Persons”, as it Pertains to Parking Restrictions for Portions of Barb Boulevard.**

City Manager Summary: The COVID-19 pandemic which closed most scholastic sports programs over the past year also side-tracked the neighborhood conversation about parking restrictions on Barb Boulevard. The Council will recall several presentations in late 2019 and early 2020 in behalf of some type of “Resident-Only” on-street parking regulation.

As sport practices and inter-scholastic sports events are renewed this spring, the question arises again: what is the best response that will benefit the neighbors and not create hardships for parents and other spectators of the sports events. The attached ordinance was prepared by City Engineer Zac Gil and attempts to resurrect the common ground gained a year ago. It would identify portions of Barb Boulevard in revised sections of the Municipal Code, Chapter 51, “Traffic,” and restrict parking in defined zones without imposing the more severe restrictions common to the Safe Streets initiative. Specifically, the proposed revisions allow for the establishment of resident-only street parking without the need for registering each individual vehicle in areas of less-dense housing, or areas where curtailing of crime isn't the primary impetus for regulating parking.

Additionally, to accommodate the youth sport traffic which is the principal cause for the proposed Barb Boulevard regulation, a loading zone allowing up to three vehicles simultaneously, each for ten minutes, is being added for the convenience of teams

both before and after events, and for those attendees with mobility concerns given the distance of the nearby school parking lot to the east.

Given the strong interest of both residents and School officials, the City Manager recommends Council consideration on first reading only. ([click here for additional information](#))

2. Ordinance 2021-017 Amending Chapter 23 “Unified Development Ordinance”, Article 7.06(8) “Fences”, as it Pertains to Barbed Wire Fencing.

City Manager Summary: As Principal Planner Dan Olson writes in his attached background memorandum, certain commercial (non-retail) and industrial uses now have heightened security concerns about malicious actions that could lead to business interruptions or closures. Such concerns have led to requests to use barbed wire fencing not only in the side and rear yards but also in the front yard for security purposes in order to protect the entire perimeter of a particular use. Specifically, such uses may include electrical power substations, transformer stations, communications facilities, publicly-owned wells and water towers, or a use requiring a secured entrance. For example, a subcontractor working with Facebook that is located along Dietz Avenue has requested a secured vehicle entrance to the site with barbed wire fencing around the perimeter.

The proposed language would allow barbed wire fences in the front yard in the “GC”, “ORI”, “LI”, “HI”, “PD-C” or “PD-I” Districts when associated with an electrical power substation, transformer station, communications facility, publicly owned property, or a use requiring a secured entrance as determined by the City Manager. Around the City, there are properties where barbed wire fencing already exists in the front yard, most likely because the uses were established before the UDO was implemented in the 1990s. The proposed language does not allow razor wire fencing.

Finally, the proposed language revises a curious distinction in the DeKalb code which is not typical in the zoning provisions of comparable communities. In DeKalb, the code has prohibited barb wire supports that lean out rather than in. Logically, such wire is more of a deterrent if it leans out. Perhaps the concern was the encroachment of the wire over the adjacent property line. The proposed language would allow the barbed wire supports to lean outward, so long as the fence line is at least two feet from any adjacent property line.

The Planning and Zoning Commission considered the UDO revisions at their regular meeting on April 19 and by a vote of 5-0 recommended Council approval. **City Council approval of the Planning and Zoning Commission recommendation is requested.** ([click here for additional information](#))

M. REPORTS AND COMMUNICATIONS

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

N. EXECUTIVE SESSION

None.

O. ADJOURNMENT

[FULL AGENDA PACKET](#)