



**DEKALB CITY COUNCIL AGENDA
REGULAR MEETING
AUGUST 8, 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 Speaker 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

None.

E. PUBLIC PARTICIPATION

F. APPOINTMENTS

1. [Appointment of Sven Hansen to the Citizens’ Environmental Commission for the Completion of a Two-Year Term through December 31, 2024.](#)

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 July 25, 2022.](#)

H. CONSENT AGENDA

1. [Accounts Payable and Payroll through August 8, 2022, in the Amount of \\$3,759,925.57.](#)

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

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2. [Investment and Bank Balance Summary through June 2022.](#)
3. [Year-to-Date Revenues and Expenditures through June 2022.](#)
4. [FY2022 Human Services Funding Second Quarter Report.](#)
5. [Minutes of the Joint Review Board Meeting of April 22, 2022.](#)
6. **Resolution 2022-066 Authorizing the Approval and Release of Certain Executive Session Meeting Minutes, and the Destruction of Certain Verbatim Recordings.**

City Manager's Summary: This item concerns Executive Session minutes recommended for approval by the City Attorney and those that have been approved by Council but not released. Executive Session minutes require review by Council on a bi-annual basis as provided for in 5 ILCS 120/2(c)(21), with the most recent review taking place on July 25, 2022. All Executive Session minutes are on file and available for Council's review at any time.

Further, as provided for in 5 ILCS 120/2.06(c), this resolution authorizes the destruction of the verbatim records of Executive Session meetings on a date that is no less than 18 months after the City Council approves the meeting minutes and the destruction of the verbatim record for the executive session meeting. **City Council approval is recommended.** [click here for additional information](#)

I. PUBLIC HEARINGS

1. **Public Hearing Regarding a Proposed Annexation and Development Agreement for Approximately 160 Acres of Property that is Generally Located North of Gurler Road, South of I-88, East of Crego Road, and West of Peace Road, (JJK 343, LLC) (Project Wildcat).**

City Manager's Summary: The ChicagoWest Business Center was originally annexed and zoned for primarily industrial purposes in 2006. Since the fall of 2019, the Center's founder, Krusinski Construction Company, in conjunction with Trammell Crow Company, has masterfully developed the core 343 acres for approximately 1.6 million square feet of distribution space for Ferrara Candy Company plus 700,000 square feet of distribution and sortation space for Amazon, and assembled 505 acres to the south of the Center for the Meta data center currently under construction in multiple phases. The ChicagoWest Business Park was recently expanded to include 160 acres of farmland bounded by Crego Road to the west, Peace Road to the east, I-88 to the north, and Gurler Road to the south. The ChicagoWest Business Center and Trammell Crow Company – Chicago have submitted a petition to annex, to re-zone, and to approve a preliminary development plan for the 160-acre site in order to develop a two-phased project known as Project Wildcat.

The project will involve three lots. Lot 1 (86.6 acres) will contain an approximately 1,240,000 square foot distribution building which will be the focus of the first phase of development. Lot 2 will contain a second building to be constructed in two phases for a total of an additional 936,000 square feet. Project Wildcat will feature distribution, packaging and storage space plus accessory uses. Lot 3 comprises 2.1 acres at the southeast corner of the 160-acre parcel and will feature a ComEd substation. A legal notice for a public hearing regarding the

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proposed annexation and development of the 160-acre parcel has been published according to state statutory requirements.

The extensive background prepared by Dan Olson, Director of Planning for the City of DeKalb, includes the preliminary plan and building elevations as required by the City's Unified Development Ordinance ("UDO"). The required landscaping, parking (764 spaces for Lot 1), and storm water detention areas conform to the UDO requirements, and City Engineer Zac Gill has worked with the private development team to assure that access points on Gurler Road and an emergency access drive to the ComEd substation from Peace Road will be designed according to the UDO and accepted engineering standards.

The applicant intends to begin the site work for Phase I in early September 2022 and to complete the shell for the Phase I building by the first quarter of 2024. Completion of the ambient high bay portion of the first building (located on the north end) will be completed by the first quarter of 2025 and the first building is expected to be fully operational by **the end of the first quarter of 2025**. The highest portion of the building will exceed the maximum building height of 75 feet in the UDO, and a waiver has been requested for the additional height. Project Wildcat will use an automated storage and retrieval system (ASRS) in approximately 409,000 square feet (about 33%) of the 1,240,000 square foot footprint of the Phase I building. The additional height is needed in the operation of the facility and the petitioners are in the process of confirming FAA approval for the building height and temporary crane installations for the construction phases.

The proposed "PD-I" Planned Development Industrial zoning is consistent with the zoning of the Ferrara, Amazon, and Meta developments, and conforms with the intent and purposes of the UDO. Additionally, adequate public facilities in terms of utilities (e.g., water, sewer, gas, electric) exist at the site and the adjacent roadway will be augmented with turn lanes to handle additional traffic impacts.

Public comment is welcome. Ordinances pertaining to this proposed development are found later on this agenda. [\(click here for additional information\)](#)

J. CONSIDERATIONS

None.

K. RESOLUTIONS

1. Resolution 2022-067 Authorizing an Intergovernmental Agreement Between the City of DeKalb, DeKalb County, and The Terraces at DeKalb LLC.

City Manager's Summary: On December 2, 2021, the City Council approved a development agreement with developer Clear Investment Group, LLC that provided an incentive to acquire, renovate and attractively maintain the Hunter Ridgebrook complex of three buildings and 184 apartment units previously owned by Hunter Properties. Prior to the change in ownership, the Ridgebrook property had experienced a disproportionately high percentage of Police responses every month and accounted for over a thousand property maintenance code infractions over three years. Ms. Rubenstein and her investment group, doing business in DeKalb as The Terraces at DeKalb, now has a contract to purchase another distressed

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property – Suburban Apartments and Estates – which is located in unincorporated DeKalb County and comprises 530 apartment units and a solar garden. The complex is contiguous to the City of DeKalb on approximately 80 acres and is generally located south of Twombly Road and west of N. Annie Glidden Road. Ms. Rubenstein and her company intend to acquire, repair, rehabilitate and raise the Suburban complex to market standards at an estimated cost of \$30 million.

The attached intergovernmental development agreement includes certain incentives and infrastructure improvements without which the rehabilitation of the Suburban complex would not be undertaken. In particular, the proposed Agreement provides that certain water infrastructure improvements will be undertaken by the City of DeKalb, and funded by DeKalb County, in order to bring clean and reliable water service to the residents of the Suburban complex who have experienced years of unreliable water service from an old well system for which there is no record of regular testing according to generally accepted industry standards.

Specifically, the attached Agreement defines a range of reciprocal and interconnected responsibilities for the Parties, as listed below:

- a) The Developer, The Terraces at DeKalb, LLC, intends to acquire title to the Property by October 1, 2022, but in no case later than March 1, 2023;
- b) The Developer shall file an annexation petition with the City of DeKalb within 60 days of the closing or acquisition date;
- c) The Developer shall complete all the needed property rehabilitation within 18 months of the date of issuance of permits from the City;
- d) The Developer agrees to exercise reasonable care to protect the safety of tenants during the rehabilitation process;
- e) The Developer agrees to upgrade the Property security with security camera systems in all public and common areas with live feeds to the Sheriff's Department and DeKalb Police Department;
- f) The Developer also agrees to provide private security personnel as needed;
- g) As with the Ridgebrook agreement of December 2021, the Developer will allow regular, periodic security walk-throughs by law enforcement personnel of the Sheriff and City departments;
- h) The Developer and City agree to annex the Suburban complex upon the Developer's becoming the record owner of the property;
- i) The Developer shall file for annexation within 60 calendar days of the property acquisition;
- j) Upon the property closing, the County shall deposit **\$862,500** in an escrow account with Chicago Title Insurance Company – Sycamore to be held for the payment of various water infrastructure improvements to be designed and completed under the City's purview within one year of the property's annexation into the City. The City shall assume the

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responsibilities of contracting agency and construction manager for the water system improvements.

- k) The City's water main extension and upgrading of the complex's exterior water infrastructure will proceed in two phases:

Phase One:

- Consists of the connection of the existing private water main system to the City's public water supply and the abandonment of the existing well.
- Although not yet in design, the City's water will likely come from two directions: one off Twombly Road and the other off Regent Drive.
- The City's water main extensions will terminate in two all-weather water vaults with backflow prevention and meters.
- A leak detection survey will be conducted by a third party to determine the condition of the existing distribution system extending from the new vaults, and the scope of necessary repairs outside the buildings in the complex.
- The completion date for Phase One shall be no later than four (4) months of the Developer's closing on the property.

Phase Two:

- Consists of the rehabilitation of the existing water system beyond the new Phase One connection points, but short of the points where the yard system enters the buildings.
 - The new water mains will be looped to assure steady flow and no dead-end distribution points that could cause stagnant water.
 - The likely replacement of the yard hydrants and valves which have not been routinely monitored or tested and are known to be leaking based on recent City "soundings."
 - A second leak detection survey by a third party to assure that the rehabilitation work on the existing yard systems has been successful.
- l) The County Sheriff shall retain responsibility at its sole cost and expense for primary police protection for two years from the date of annexation of the property, or three years from the Developer's closing, whichever shall be earlier.
- m) As is customary at present, the City Police and County Sheriff's Police will continue to consult and provide support for each other as urgent calls arise.

The DeKalb County Board will take up the attached agreement for action at its regular meeting on August 10. The County Administrator's background memorandum to the County Board is attached. **City Council approval is recommended.** ([click here for additional information](#))

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2. Resolution 2022-068 Authorizing Community Development Block Grant FY2022 Year Public Services Funding Agreements from April 1, 2022, through March 31, 2023, in the Amount of \$60,000 with the Children’s Learning Center, Elder Care Services, Hope Haven, Safe Passage, and the Voluntary Action Center.

City Manager’s Summary: The attached resolution authorizes the execution of agreements for Community Development Block Grant (CDBG) Public Service funding for Program Year 2022 (CDBG Year 29). The U.S. Department of Housing and Urban Development (HUD) allows up to 15% of the City’s annual CDBG allocation to be used for Public Services Funding. The use of CDBG funds for Public Services was approved by Council on January 10, 2022, as part of the CDBG Annual Action Plan for Program Year 2022 (April 1, 2022, to March 31, 2023). The following agencies are recommended for funding:

Agency	Program Description	Request	Recommendation
Children’s Learning Center (CLC)	Subsidies to low-income families for transportation of children between their homes and/or school and day care.	\$15,000	\$8,500
Elder Care Services (ECS)	Operating funds for the Choices for Care program for elderly individuals to assess their needs and link them with appropriate agencies, benefits, and services.	\$20,000	\$ 9,000
Hope Haven	Operating funds for emergency shelter services for homeless individuals and families.	\$20,000	\$17,000
Safe Passage	Operating funds for emergency shelter services for victims of domestic violence and their children.	\$20,000	\$15,000
Voluntary Action Center (VAC)	Funds to provide cold, frozen, and/or shelf-stable meals and/or supplements for low-income seniors who reside in subsidized housing in the City.	\$12,000	\$10,500
TOTAL		\$87,000	\$60,000

The City received notification of the 2022 CDBG grant allocation in the amount of \$411,560 on June 2, 2022. This year’s Public Services grant amounts are less than the funding provided in 2021 because the 2022 CDBG grant is \$15,210 less than the 2021 grant. Although the City has not yet received the 2022 grant agreement that authorizes the use of this year’s funds, the contracts are being brought to Council for review and approval because the 2022 Public Services contracts are retroactive to April 1, 2022. Grantees have continued to provide services to City residents without interruption and will be expected to submit their signed contracts and 1st Quarter reports as soon as the 2022 funds are released.

All Public Services subrecipients must provide programs that meet HUD eligibility guidelines, address a national objective, and are consistent with local objectives as stated in the City’s 2020-2024 Five-Year Consolidated Plan. All applications were reviewed and scored by an application review committee and final grant amounts were determined based on the priority and need for the proposed services. All the proposed grantees are long-term partners with the City and provide essential services to City residents.

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

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3. Resolution 2022-069 Authorizing a Continued Law Enforcement Embedded Social Worker Agreement with Northwestern Medicine Ben Gordon Center for the Service Term of September 1, 2022, through August 31, 2023, in an Amount Not to Exceed \$94,133.

City Manager's Summary: As Deputy Police Chief Jason Leverton writes in the attached background report, the framework for this program was originally established in 2018 with the assistance of the Department of Justice as part of the Police Department's federal grant initiative in the Police-Mental Health Collaboration Program. During that time, a strategic plan for enhancing mental health services was established and approved. The strategic plan identified gaps in service in behavioral health Police responses. It was determined that an embedded social worker within the Police Department was one of the highest priority items in improving behavioral health service delivery.

On July 13, 2020, the City Council approved Resolution 2020-077 which approved a contract with Northwestern Ben Gordon Center that provided a social worker for approximately 30 hours per week to assist in crisis situations that were reported or encountered by law enforcement. Police officers, many of which are now certified in Crisis Intervention Team concepts, and Dispatchers can assess the needs of a caller and involve social workers as deemed appropriate and necessary. The social worker then attempts to build rapport and provide services that reduce the need for ongoing or future Police officer intervention.

Since July 2020, the DeKalb Police Department has partnered with NMBG and has enhanced the program to improve service delivery with better procedural collaboration and the addition of a second social worker. The program continues to provide referrals and linkages between citizen needs and more supportive, long-term resources for behavioral, wellbeing, or mental health assistance. In addition to this, the Law Enforcement Social Workers have been deployed to certain incidents to assist responding police officers by introducing a mental health professional when appropriate and safe to do so.

The City's original agreement with NMBG was executed at no cost to the City and generously funded by the DeKalb County Community Mental Health Board. On June 28, 2021, the Council approved a follow-on agreement for two social workers in the amount of \$67,092. The second social worker added an additional 40 hours of full-time service.

The attached agreement extends the existing assignment of two Law Enforcement Embedded Social Workers. The program cost has increased to \$94,133 as some grant funding has expired. The City will now bear most of the total cost. A third social worker could be added by NWBG in FY22 if other grant sources can be found to assume the additional costs. A third social worker would allow for reliable social worker responses on all three Police shifts.

This proposed agreement aligns with the strategic vision set forth by the DeKalb Police Department Community Support Services (CSS) model instituted in FY2021, which was expanded in FY2022. **City Council approval is recommended.** ([click here for additional information](#))

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4. Resolution 2022-070 Authorizing an Agreement with DeKalb Corn Classic and Kishwaukee Sunrise Rotary Club for the 2022 DeKalb Corn Classic 5k/10k and Taste of DeKalb Events on September 25, 2022.

City Manager's Summary: The DeKalb Corn Classic has been a longstanding event in the DeKalb community and draws larger crowds every year to the downtown business district. In September 2018, the Corn Classic partnered with the Kishwaukee Sunrise Rotary Club to conduct the event in coordination with the inaugural Taste of DeKalb. For 2022, the parties want to coordinate the two events again, with the closure of Van Buer Plaza for the Taste of DeKalb, and the temporary closure of a number of streets for the Corn Classic.

The DeKalb Corn Classic and DeKalb Sunrise Rotary Club event organizers have requested the waiver of all fees.

City Council approval is recommended, along with the waiver of fees as requested by the DeKalb Corn Classic and Kishwaukee Sunrise Rotary Club event organizers. ([click here for additional information](#))

L. ORDINANCES – SECOND READING

None.

M. ORDINANCES – FIRST READING

1. Ordinance 2022-036 Authorizing an Annexation and Development Agreement with JJK 343, LLC (Project Wildcat).

City Manager's Summary: The attached Annexation and Development Agreement between the City of DeKalb and JJK 343, LLC, an Illinois limited liability company, describes the terms and reciprocal responsibilities for the annexation and rezoning of 160 acres in the ChicagoWest Business Center for the development of a major distribution, packaging, and storage facility in several phases. The Owner has complied with the requirements of a general description of the property to be annexed, a preliminary development plan, and architectural elevations which have been entered as exhibits to the attached Agreement.

The Agreement has the following features, among others:

- It references the fact that upon its approval the City shall proceed to adopt an annexation ordinance and a zoning ordinance providing for the assignment of "PD-I" Planned Development-Industrial zoning to the Property.
- It references the fact that the Property is within the DeKalb County Enterprise Zone and is subject to the Interstate Commerce Market (ICM) Property Tax Abatement for large-scale industrial projects within 3-1/2 miles of the centerline of I-88, and the state level sales tax exemptions on building materials.
- The City shall receive all applicable building and plan review fees, engineering fees, and construction inspection fees.

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- The City agrees to support phased development of the site.
- The Parties will mutually agree on any third-party plan review services, but the owner or its contractor shall pay all fees and costs for third-party services.
- The Owner will construct any required on-site roadway or other public improvements at no cost to the City and post any necessary performance bond for such improvements.
- The unique building design will require some design waivers as to height, site coverage, and parking stall dimensions that do not adversely impact adjoining properties or the overall appearance of the business park. In all other respects, the construction will adhere to the provisions of the UDO and other applicable City codes and ordinances.
- A railroad spur may be extended to the property across Crego Road which is a City roadway.

The annexation and development agreement describes another very substantial contribution to the City's property tax base and employment opportunities. The ChicagoWest and Trammell Crow team have once again collaboratively negotiated impactful terms which will positively serve the best interests of the DeKalb community for generations to come.

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

2. Ordinance 2022-037 Approving the Annexation of Certain Property to the City of DeKalb (Project Wildcat).

City Manager's Summary: Upon the Council's approval of the foregoing annexation and development agreement, the Council shall proceed to the adoption of the attached annexation ordinance, as anticipated in Section 2.1 of the annexation agreement.

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

3. Ordinance 2022-038 Approving the Zoning Petition of JJK 343, LLC to Rezone Certain Property to "PD-I" Planned Development Industrial, and to Approve a Preliminary Development Plan and Plat of Subdivision for the Development of an Approximately 1,240,000 Square Foot Phase 1 Building and an Approximately 936,000 Square Foot Phase 2 Building to Accommodate a Distribution, Packaging and Storage Company and Accessory Uses (Project Wildcat).

City Manager's Summary: Under Illinois statutes, a property annexed by municipal action is automatically assigned the most restrictive zoning, which in DeKalb's case is "SFR1," Single Family Residential. The annexation and development agreement requires the rezoning of the subject property to "PD-I," Planned Development-Industrial, which is appropriate in terms of the property's intended use and by virtue of the importance of compatibility with the other properties in the ChicagoWest Business Center.

The DeKalb Planning and Zoning Commission considered the rezoning petition, preliminary development plan, and final plat of subdivision at their regular meeting of August 1, 2022. By a unanimous vote of 5-0, the Commission recommended the Council's approval of the rezoning, preliminary plan, and final plat of subdivision, with findings of fact. **City Council**

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approval of the Planning and Zoning Commission’s recommendation is requested. ([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 Pending Litigation as Provided for in 5 ILCS 120/2(c)(11).**

P. ADJOURNMENT

[REGULAR AGENDA PACKET – AUGUST 8, 2022](#)

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