



**DEKALB CITY COUNCIL AGENDA  
REGULAR MEETING  
AUGUST 9, 2021  
6:00 P.M.**

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

**A. CALL TO ORDER AND ROLL CALL**

**B. PLEDGE OF ALLEGIANCE**

**C. APPROVAL OF THE AGENDA**

**D. PUBLIC PARTICIPATION**

**E. PRESENTATIONS**

None.

**F. APPOINTMENTS**

None.

**G. CONSENT AGENDA**

1. [Minutes of the Joint Review Board Meeting of April 23, 2021.](#)
2. [Minutes of the Regular City Council Meeting of July 26, 2021.](#)
3. [Accounts Payable and Payroll through August 9, 2021, in the Amount of \\$1,427,456.85.](#)

**H. PUBLIC HEARINGS**

None.

**I. CONSIDERATIONS**

**1. Consideration of a Civilian Police Review Board Proposal.**

City Manager's Summary: The following Civilian Police Review Board proposal is presented for Council consideration and direction.

**Background**

In the summer and fall of 2020, the DeKalb community demanded action to bring more transparency and accountability to law enforcement policies and practices, and to

address ongoing public safety issues in certain large apartment complexes in the City's northwest quadrant. Local social justice activists, faith leaders, the City's Human Relations Commission, local business leaders, the DeKalb Police department's command staff, FOP Lodge 115, the City Council, and City management gave careful consideration to a range of recommendations for social justice and housing reform culminating in a series of changes highlighted below:

- In the Committee of the Whole meeting of July 13, 2020 the City Manager reviewed a series of immediate administrative changes that had been made to the DeKalb Police Department's standards of conduct, including the prohibition of any choke hold or "lateral vascular technique," the imposition of a "duty to intervene" and a "duty to report," the public posting of disciplinary records, no expungement of disciplinary action, the implementation of body cams, racial intelligence training, etc.
- In the regular Council meeting of July 13, 2020, the Council approved an agreement with Northwestern Medicine/Ben Gordon Center for an "embedded" social worker to be employed in the Police department.
- Also, in the regular Council meeting of July 13, 2020, the Council approved the adoption of shared principles developed by the NAACP and the Illinois Association of Police Chiefs to bridge mistrust between the police and persons of color.
- At the Council meeting of August 10, 2020, the Council expanded the City's "Offenses Against the Public Peace" by creating a Section 52.05, "Criminal Housing Management" (Ordinance 2020-052) to more aggressively prosecute property owners who prey on tenants by a criminal indifference to unsafe and unhealthy conditions at their properties.
- The establishment of a special service area (Number 30) at the Hunter Ridgebrook properties and at 912 Edgebrook on September 14, 2020.
- In November 2020 the professional search for a permanent police chief was revived after its suspension in the spring of 2020 owing to the COVID-19 pandemic. A diverse search committee led the search that resulted in the appointment of David Byrd as the new chief on March 8, 2021.
- On December 14, 2020, the City Council adopted a FY2021 City Budget that included a reorganized Police department with a new Community Support Services division of \$2.2 million to focus on community engagement, crime-free housing, and behavioral health.
- On June 28, 2021, the City Council approved an agreement with Northwestern Medicine/Ben Gordon Center for two embedded social workers through August 2022.

Another topic has been the subject of community discussion since the summer of 2020 but has not yet generated a proposal from the City administration, namely, civilian oversight of law enforcement. Civilian review has been a demand in many American cities since June of 2020, prompted by concerns about a perceived lack of accountability, implicit bias, and inconsistent discipline. The same concerns have been raised with passion in DeKalb.

Especially when excessive force is alleged, the facts need to be dispassionately gathered. Moreover, the persons viewing the facts with a responsibility to make recommendations regarding discipline should arguably be steeped in the applicable professional standards and practices. This is the case with medical review boards, pilot review boards, teacher review boards, etc.

However, thoughtful persons committed to public service and particularly interested in doing their part to assure timely and just outcomes to use of force investigations want to participate. With the assent of the Council, the City Manager had deferred the presentation of an administration option for public review until the new Police Chief was selected. Whatever the role of the Chief vis-à-vis a new oversight entity, it would certainly be the Chief's responsibility to address the impact of any findings or recommended actions in a collaborative fashion.

With the benefit of frank and constructive conversations with Chief Byrd, various community groups and leaders, FOP Lodge 115, other local law enforcement leaders, local social justice activists, and the Human Relations Commission, the City Manager has prepared this proposal. It is not represented as a consensus document, but as a thoughtful presentation of features that are consistent with the DeKalb community's aspirations for a more inclusive and transparent city government.

### **Proposed Citizens Police Review Board**

The topic of civilian oversight boards has gained more attention in the year since the George Floyd murder. The National Association for Civilian Oversight of Law Enforcement (NACOLE), founded in 1995, estimates that of the 18,000-plus law enforcement agencies across the United States, about 250 have civilian oversight boards. Most of these boards are in larger metropolitan cities where "use of force" incidents occur on a regular basis, and the discharge of service weapons is the principal focus. In the entire history of the DeKalb department, there are only three recorded incidents when a Police officer discharged a service weapon in the line of duty.

Conventional "use of force" policies also touch on a variety of less lethal weapons including Capstun or OC spray, tasers, straight sticks or collapsible asps as well as physical moves, and are very explicit about what is never permitted (e.g., choke holds) or may be permitted in limited circumstances in exigent situations. The general rule in the DeKalb Police Department standards of conduct and for most accredited agencies is that the force used by an officer should only be that required to overcome the resistance being offered by the alleged offender. The Illinois Law Enforcement Training and Standards Board publishes a Use of Force Continuum that establishes use of force criteria for various levels of resistance. These protocols are incorporated as part of the DeKalb standards of conduct and are available on the City's website. In addition, the continuum is one of the points covered in the "Statewide Use of Force Standardization Act" passed by the Illinois legislature on January 13, 2021, and the more recent "Revised Comprehensive Summary of Public Act 101-0652 ("Safe-T Act") effective July 1, 2021, which supersede local standards.

In recent years, if policies and printed standards had been sufficient to assure adherence across the country to the highest principles of professional police conduct including fairness, empathy and consistency, the relevance of police review boards would not be a pressing question and the relationships between police officers and the

persons they serve would be more often praised than called into question. As our Police officers are only too aware, the general perception of their profession and their local performance is formed through the lens of the tragic, biased victimization of citizens – mostly persons of color – in Ferguson, Charleston, Chicago, Minneapolis, and dozens of other American cities and towns. The City Manager believes that the DeKalb Police Department needs to tell its own story and needs to provide further evidence of its commitment to accountability in the form of a civilian review board.

**The following outline of the structure and authority of a DeKalb Civilian Police Review Board is intended to prompt wider discussion. The purpose of such a Board is to ensure professional accountability on the part of duly sworn Police Officers serving the DeKalb Police Department, and to invite transparency which promotes greater trust and understanding with respect to law enforcement training, practices, and procedures.**

1. Structure

- a) Five civilian members nominated by the Mayor and approved by the City Council in public session. The Mayor shall appoint a civilian chairperson from among the approved members.
- b) All members shall be residents of the City of DeKalb.
- c) Board members shall serve staggered, two-year terms. No Board member may serve more than two consecutive full terms.
- d) The Mayor and Council shall strive for diversity in the selection of Board members. In other words, the Board should look like DeKalb.
- e) The Board shall hold public meetings and be subject to the Illinois Open Meetings Act and other applicable state statutes affecting the transparency of its proceedings.
- f) The Board shall meet no less than six times per year and shall meet as needed to address complaints against police officers or cases involving the use of force at the request of two Board members or the Chairperson.

2. Authority

- a) The Board shall have the following principal responsibilities:
  - To review closed police investigations in all “use of force” cases and make recommendations regarding both the thoroughness and objectivity of the investigation, and any changes it deems necessary in police policy, training, or procedures as a result of the investigation.
  - To receive citizen complaints against sworn police officers and make recommendations to the Police Chief for investigation and/or reconciliation. The Chief shall make detailed quarterly reports to the Board regarding the disposition of any referred complaints.

- b) In its investigations and deliberations, the Board shall have access to all materials and evidence pertinent to a particular case, including dashboard and body camera footage, forensic reports, case files, and witness accounts, among other evidence that was gathered in the official police investigation of officer conduct. The Board may also request first-hand testimony of a complainant or officer involved, subject to the Uniform Peace Officers' Disciplinary Act (50 ILCS 725/1, et seq.) and the Safe-T Act.
- c) The Board's findings shall become a part of the City's public records and such records shall be retained according to the Local Records Act (50 ILCS 205/1, et seq.).

### 3. Training

- a) The Board shall also monitor the department's compliance with the training mandates of Public Act 101-0652 and shall be given quarterly reports from the Police Chief regarding the status of the department's compliance efforts.
- b) Fluency in the DeKalb Police Department's training protocols will be enhanced by Board participation in a civilian "police academy" offering scenario-based virtual training. Such training would offer Board members greater insight into current Police methods and practices, and a basis for making recommendations regarding best practices.

At its regular meeting on Tuesday, August 3, the Human Relations Commission (HRC) reviewed the proposal presented above. The HRC supported the outline of the proposal, and suggested Council attention to the following details:

- The Commission stressed the importance of community input in the vetting of candidates for the Review Board.
- The Commission debated the pros and cons of two-year and four-year terms. In the end, the consensus favored the proposed two-year terms to assure fresh perspectives and more opportunities for community involvement over time.
- The Commission stressed the importance of upfront training for Review Board members. Ride-a-longs with patrol officers, participation in simulation training, participation in implicit bias, de-escalation and other formal training sessions, and a working knowledge of the DPD standards of conduct were cited as important steps before active work on the Review Board. Chief Byrd offered to work out the details.

**City Council direction is recommended.**

## J. RESOLUTIONS

1. **Resolution 2021-065 Authorizing the Award of a Construction Services Contract to Maneval Construction in the Amount of \$155,257.93 for the Construction of a New Shared Use Path along Fairview Drive, with Staff Authority to Approve Change Orders Up to a Combined Project Total Not to Exceed \$160,000.**

City Manager's Summary: The attached resolution would authorize an agreement with Maneval Construction in the amount of \$155,257.96 for the excavation, drainage, aggregate, and asphalt improvements to complete a new shared-use path along Fairview Drive, extending from S. Seventh Street eastward to the existing pathway at Macom Drive. A three percent (3%) contingency is included to allow the City Engineer authority to approve change orders up to a combined project total of \$160,000.

Fairview Drive is home to a number of large industrial employers. It is a high traffic roadway with a large volume of truck traffic. With no accommodations, walkers or cyclists are forced to intermingle with the on-street traffic in an often dangerous fashion. This path will also enhance resident access to employment and fits with a comprehensive plan that will increase recreational options as well. The path including paving will be completed this fall, with further extension planned for the summer of 2022.

The project, which is funded through local contributions from Park 88, Kiwanis, and the Fairview Cemetery, as well as a City contribution from Fund 400, was taken to bid on July 8. Two bids were received:

| <b>Company Name</b>  | <b>Base Bid</b> |
|----------------------|-----------------|
| Maneval Construction | \$155,257.96    |
| Elliot & Wood, Inc.  | \$170,175.33    |

An alternate to extend a crossing of Macom Drive was included but the City Engineer recommends the rejection of this alternate due to budget concerns. The Macom crossing can be included in bid documents next year.

**The City Manager recommends the award of the contract to Maneval Construction and a further 3% contingency allocation for a not-to-exceed price of \$160,000. ([click here for additional information](#))**

- 2. Resolution 2021-066 Authorizing the Award of a Construction Services Contract to William Charles Construction in the Amount of \$994,772.30 for Afton Road Construction, with Staff Authority to Approve Change Orders Up to a Combined Project Total Not to Exceed \$1,094,000.**

City Manager's Summary: The attached resolution authorizes an agreement with William Charles Construction in the amount of \$994,772.30 for excavation, drainage, roadbed, and asphalt improvements to complete a rural road connection between Gurler Road and Keslinger Road, slightly east of the Peace Road terminus and east of the Facebook development site. The resolution includes a larger-than-average contingency of 10 percent (10%) owing to the virgin soils and long-standing drainage issues in the right-of-way that may pose unforeseen challenges as the roadwork begins. The combined base contract and contingency would total **\$1,094,000**.

The Council will recall that as part of the development of the 505-acre Facebook campus it was necessary to vacate a portion of the public rural roadway known as Crego Road which connected Gurler and Keslinger Roads. As part of the regional support for the development from all jurisdictions, a new paved connection was

conceived to accommodate the rural agricultural, commercial, and commuter traffic that previously used the Crego segment from Keslinger Road to Gurler Road. In advance of the state funding that was not allocated until June of this year, the City purchased the land for the road ROW and initiated the engineering design through a contract with C.E.S. Engineering in 2020. The engineering standard for the road mirrored the section that was abandoned: two 12-foot-wide asphalt lanes with rural ditch drainage. The excavation, drainage, and roadbed work are to be completed this fall, with paving completed in the spring of 2022.

The project, which is funded through a \$1.44 million Member-Designated state grant championed by State representatives Tom Demmer and Jeff Keicher, was taken to bid on July 8 of this year. Four bids were received:

| <b>Company Name</b>     | <b>Base Bid</b> |
|-------------------------|-----------------|
| William Charles Const.  | \$ 994,772.30   |
| Fischer Excavating Inc. | \$1,043,406.20  |
| Elliot & Wood, Inc.     | \$1,094,796.10  |
| Curran Contracting Inc  | \$1,161,803.64  |

The City Engineer recommends the award of the contract as bid to William Charles Construction, with an allowance for the contingency described above.

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

- 3. Resolution 2021-067 Authorizing a Standard Agreement with the Illinois Department of Transportation, Division of Aeronautics (IDOT-DOA), for Construction Services with Crawford, Murphy and Tilly, Inc. (CMT) for Design/Special Services and Construction Phase Engineering for the Milling and Overlay of Taxiway C at the DeKalb Taylor Municipal Airport (Project DKB-4875).**

City Manager's Summary: The attached resolution pertains to the long-awaited milling and re-surfacing project for Taxiway C at the DeKalb Taylor Airport (Federal Project DKB-4875). As Airport Manager Renee Riani explains in her background memorandum, the resolution authorizes the Mayor to sign an agreement with IDOT-DOA for construction services involving CMT. The consulting engineering firm of CMT will provide design services and construction phase engineering. IDOT-DOA has reviewed and approved the design services and construction phase agreements.

The total estimated cost of the taxiway rehabilitation project is \$1,140,000.00. Federally funded Transportation Improvement Projects (TIP) typically require 5% matches from the City and State to leverage the Federal Aviation Administration's 90% match; however, the entire FY2021 project will be federally funded through the Coronavirus Response and Relief Supplemental Appropriation Act.

The DeKalb Airport Runway 2/20 was originally constructed in 1998 as the principal runway for larger corporate, charter, and cargo aircraft utilizing the airport. At that time the adjacent parallel taxiway, Taxiway C, was constructed to provide aircraft access on and off the runway. The taxiway has exceeded its design life as reported in the

most recent IDOT-contracted Pavement Condition Index (PCI) survey performed in 2020. The 2020 assessment rated portions of the taxiway pavement in fair condition with a composite rating ranging from 26 to 55 out of 100, well below the 70/100 rating that would indicate rehabilitation is warranted.

The City Council approved the FY2022–FY2026 TIP on December 28, 2020, that included this project. The Mill and Overlay Taxiway C project has three phases: the design phase, the bid phase, and the construction phase. This resolution formally approves the design/special services and construction phase engineering services.

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

**4. Resolution 2021-068 Approving a Package Liquor License for D&T Swami Group 01 LLC, d/b/a DeKalb Liquor Mart, 1352 E. Dresser Road.**

City Manager's Summary: D&T Swami Group 01 LLC has submitted a liquor license application for a package liquor store at 1352 E. Dresser Road. The application has been reviewed and the owners have successfully completed their background checks.

Upon approval of the liquor license, the City will receive an initial issuance fee of \$10,766.

The annual term for a package liquor license begins January 1 and expires December 31. Typically, this type of liquor license carries a \$2,692 annual renewal fee. However, DeKalb Liquor Mart's 2022 annual renewal fee will be reduced by 50% since the initial liquor license will be issued six months into the current licensing term.

**City Council approval of the licenses is recommended, subject to the conditions described in the resolution.** ([click here for additional information](#))

**5. Resolution 2021-069 Authorizing an Intergovernmental Agreement (IGA) with the Fire Protection District for Fire Suppression and Paramedic Ambulance Services from May 1, 2021, through April 30, 2031.**

City Manager's Summary: The DeKalb Community Fire Protection District (District) provides funding for DeKalb EMS and fire suppression services needed by farms, homes and businesses located outside the City's corporate limits but within the geographic Fire Protection District established by law. The IGA that defines the reciprocal responsibilities of the City and the District has expired and the attached resolution would extend the agreement from year to year unless either party provides the other with written notice of its intention to not renew the agreement.

The principal terms of this agreement are as follows:

- The annual contract fee is defined in the table below for the period 2022-2031.

| Annual Contract Fee |           |            |
|---------------------|-----------|------------|
| Year                | Amount    | Difference |
| 2022                | \$145,000 | Base Year  |
| 2023                | \$146,450 | 1.00%      |



|      |           |       |
|------|-----------|-------|
| 2024 | \$147,915 | 1.00% |
| 2025 | \$149,394 | 1.00% |
| 2026 | \$150,888 | 1.00% |
| 2027 | \$152,396 | 1.00% |
| 2028 | \$155,444 | 2.00% |
| 2029 | \$158,553 | 2.00% |
| 2030 | \$161,724 | 2.00% |
| 2031 | \$164,959 | 2.00% |

- In addition to the District's annual contract fee, the City can charge residents of the District an ambulance user fee similar to that charged residents living within the city limits.

As the City expands its corporate limits, the potential funding base for the District is reduced by virtue of the decline in the assessed valuation of property in the District. If the District were to dissolve, the City would have to assume the finance and administration of this taxing body and is not presently able to do so. The District's trustees reviewed and approved the attached agreement and have requested the Council's concurrence.

**The City Manager recommends the Council's approval of this resolution.** ([click here for additional information](#))

#### K. ORDINANCES – SECOND READING

None.

#### L. ORDINANCES – FIRST READING

1. **Ordinance 2021-030 Approving Easement Agreements with Goldframe, LLC for a Water Utility Easement and a Temporary Grading Easement for the Facebook Development.**

City Manager's Summary: The Facebook development agreements provide for the construction of certain water utility improvements for the Facebook facility and the temporary easements to assist in the creation of traffic signals at the intersection of Route 23 and Gurler Road. To construct and maintain these improvements, Facebook will grant the City easements to Facebook's property, subject to the terms and conditions of the proposed Water Utility Easement Agreement and the Temporary Grading Easement Agreement (see attached). These easement agreements allow the City and certain contractors under its control to access Facebook's property to construct and maintain the necessary improvements, while also ensuring that the City is responsible for maintaining the integrity of the Facebook property.

The ordinance references Goldframe, which is the corporate subsidiary with which the City annexed and zoned what is more generally known as the Facebook property. A three-fourths vote of the corporate authorities is required.

**City Council approval on first and second reading is requested to expedite the intersection improvements at Gurler Road and IL Rt. 23. ([click here for additional information](#))**

**M. REPORTS AND COMMUNICATIONS**

1. Council Member Reports.

**N. EXECUTIVE SESSION**

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

**O. ADJOURNMENT**

**[REGULAR AGENDA PACKET – AUGUST 9, 2021](#)**