



**DEKALB CITY COUNCIL AGENDA
REGULAR MEETING
SEPTEMBER 13, 2021
6:00 P.M.**

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

COVID-19 Notice: The corporate authorities of the City of DeKalb intend to conduct this meeting in-person with a physically present quorum that is open to the public and in compliance with all applicable public health requirements. All persons attending this meeting shall be required to wear protective face masks/coverings in accordance with Governor JB Pritzker's Executive Order 2021-20 dated August 26, 2021.

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 Regular City Council Meeting of June 28, 2021.](#)

2. [Minutes of the Regular City Council Meeting of July 12, 2021.](#)

3. [Minutes of the Special City Council Meeting of September 1, 2021.](#)

4. [Accounts Payable and Payroll through September 13, 2021, in the Amount of \\$3,333,145.29.](#)

H. PUBLIC HEARINGS

None.

I. CONSIDERATIONS

1. Consideration of the 2020 Census Impact on the City Ward Map.

City Manager's Summary: The State of Illinois requires a city's political wards to be nearly equal in population (65 ILCS 5/3.1-20-25(a)). The impact of the 2020 census count and local housing development since the 2010 decennial census invite a closer look at the distribution of population across the City's seven wards.

The 2020 Census set the current DeKalb population at 40,290 or a loss of 3,805 persons from 2010 (-8.6%). Most of the population was lost in Ward 6 (-2,060) as shown in the table below:

	Redistrict	Actual	Difference	% Difference
	2010	2020		
Ward 1	6,307	5,769	(538)	-8.53%
Ward 2	6,353	6,064	(289)	-4.55%
Ward 3	6,202	5,955	(247)	-3.98%
Ward 4	6,261	6,370	109	1.74%
Ward 5	6,160	5,731	(429)	-6.96%
Ward 6	6,237	4,177	(2,060)	-33.03%
Ward 7	6,575	6,224	(351)	-5.34%
Total	44,095	40,290	(3,805)	-8.63%

If the populations of all seven wards were divided equally, they would average **5,756**. The challenge is always to take into account the general prescription of the state legislature while recognizing that a "perfect" distribution would require ward lines in the middle of city blocks and awkwardly laying across natural and infrastructure barriers. Doug Eaton, the City's Planning Technician and GIS specialist, has developed the proposed map that is included in the Agenda background. If this re-districting were adopted, the new ward map would have the following general population distribution:

	Actual	Redistrict	Difference	Difference from 5,756
	2020	2020		
Ward 1	5,769	5,831	62	75
Ward 2	6,064	5,894	(170)	138
Ward 3	5,955	5,932	(23)	176
Ward 4	6,370	5,651	(719)	(105)
Ward 5	5,731	5,729	(2)	(27)
Ward 6	4,177	5,858	1,681	102
Ward 7	6,224	5,395	(829)	(361)
Total	40,290	40,290	-	

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

J. RESOLUTIONS

- 1. Resolution 2021-080 Repealing Resolution 2021-075 and Authorizing an Agreement with DeKalb Corn Classic and Kishwaukee Sunrise Rotary Club for the 2021 DeKalb Corn Classic 5k/10k and Taste of DeKalb Events on September 26, 2021.**

City Manager's Summary: Resolution 2021-075 was approved by the City Council on August 23, 2021, by a vote of 7-0. Although no City financial support was voted as part of the Resolution, the fact that the Mayor is a member of the DeKalb Corn Classic board requires that he abstain from the vote on the Resolution. The City Council is therefore asked to repeal the affirmative vote of August 23 and, with the Mayor's abstention, proceed to a new vote on the attached resolution.

As the background in the August 23 Council agenda explained, the DeKalb Corn Classic is a popular 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 Corn Classic in coordination with the inaugural Taste of DeKalb. This year, 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.** ([click here for additional information](#))

- 2. Resolution 2021-081 Authorizing a Payment to the DeKalb County Community Foundation on Behalf of the DeKalb Municipal Band for Services Beginning January 1, 2021, through December 31, 2021, in the Amount of \$41,088.**

City Manager's Summary: The Legislative budget in the City's FY2021 Annual Budget contains an allocation of \$41,088 for the DeKalb Municipal Band, the longest continuously serving municipal band in the State of Illinois. According to Kirk Lundbeck, the Band's conductor and executive director, the Band has established a pass-through fund with the DeKalb County Community Foundation to encourage private donations as well. Going forward, this pass-through fund will be the vessel for annual contributions – either public or private. The City's FY2021 contribution will retroactively cover the expenses of the band during the summer of 2021.

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

- 3. Resolution 2021-082 Authorizing the Purchase of One Single-Axle Utility Vehicle through Rush Truck Center in an Amount Not to Exceed \$204,035.**

City Manager's Summary: The FY2021 Water Capital Fund (Fund 620) budgeted \$200,000 for a new single axle utility vehicle, which is the most important vehicle in the Utility department's fleet. It carries an array of special equipment used on main breaks, service line repairs, valve repairs and hydrant repairs. The truck carries hydraulic pumps, compressors, invertors, and light towers as well as an array of parts that can be used in any weather, any time of the day.

The City budget anticipates an outright purchase, rather than a lease purchase (GL#620-00-00-87000) to replace the current 2003 utility vehicle. Although vehicles of this unique description are not specified in the Illinois state purchase system, the City staff have worked with a discount finder service – Sourcewell – to locate a vehicle with the requisite specifications at a competitive price. The lowest-priced, fully-loaded vehicle in our market area was offered by Rush Truck Center of Huntley, IL. Rush Truck will provide the International chassis and work with Sauber Manufacturing of Virgil, IL on the box and appurtenances. The lowest competitive price totaled \$204,035. The slight difference above the budgeted number is owing to current constraints and higher costs on the supply side of the specialty features on this truck. With an expected delay in receiving delivery of the fully-loaded truck until mid-2022, the actual budget claim will fall against the FY22 Budget.

City Council approval is recommended to secure this important fleet replacement vehicle. ([click here for additional information](#))

4. Resolution 2021-083 Authorizing the Award of a Construction Services Contract to Curran Contracting Company in the Amount of \$1,736,419.37 for Illinois Route 23 and Gurler Road Improvements, with Staff Authority to Approve Change Orders Up to a Combined Project Total Not to Exceed \$1,866,650.

City Manager’s Summary: As City Engineer Zac Gill explains in the attached staff memorandum, the development of the Ferrara Candy Company logistical site has required significant upgrades to the design and layout of the intersection of Gurler Road at State Route 23 (S. Fourth Street). This upgrade takes into consideration not only the significant widening needed for truck turns and maneuvers, but full signalization to provide safe and efficient movement of all motorists through the area. The excavation, drainage, and pavement work are to be completed this Fall, with final signalization finished this Winter (n.b.: there is a five-month lead time on signal components owing to supply chain issues).

The project is substantially funded through a grant of \$1.49 million from the Illinois Department of Transportation Economic Development Program (EDP), which rewards job creation or retention in the State of Illinois. Any amount over the grant cap of \$1.49 million is to be covered by the sponsored job creator, Ferrara Candy Company.

The plans were taken to bid on August 30 of this year. Two bids were received:

Company Name	Base Bid
William Charles Const.	\$1,815,129.48
Curran Contracting, Inc.	\$1,736,419.37

The City Engineer recommends the award of the contract as bid to Curran Contracting Company. Additionally, City Engineer Gill recommends a contingency of approximately 7.5% in the event the significant widening encounters poor soils, unusual drainage challenges, unforeseen utility conflicts, etc.

City Council approval of the Curran bid of \$1,736,419.37 and an additional contingency up to \$130,231 is recommended. ([click here for additional information](#))

5. Resolution 2021-084 Authorizing an Agreement with Ferrara Candy Company for their Role in Economic Development Program Responsibilities.

City Manager's Summary: The commitment by the Ferrara Candy Company to construct a 1.22 million square foot logistical center and a 468,000 square foot packaging center on Gurler Road prompted an extensive review of potential traffic impacts involving Krusinski Construction Company, the Illinois Department of Transportation, and City Engineer Zac Gill. As a result of their collaborative analysis, it was concluded that the intersection at Gurler Road and IL Rt. 23 needed to be substantially upgraded with turn lanes, wide turn radii to accommodate large truck movements, and full signalization to provide safe and efficient movement of all motorists through the area.

To help underwrite the significant costs of these upgrades, the Ferrara Candy Company applied for \$1.49 million through the Illinois Department of Transportation Economic Development Program to support the project. By IDOT protocols, the City of DeKalb acts as the EDP grantee for the sponsored company, and this requires an agreement with Ferrara to protect the financial interests of the City. By the terms of the attached agreement, Ferrara funds all portions of construction and engineering over the EDP award amount (in this case, an estimated \$500,000 of additional private funding), and any penalties from the State should the company fail to create the promised jobs or fail to properly report those jobs to the State's satisfaction. Ultimately, the City acts as a pass-through agency for funding and contract management.

Paul Borek, executive director of the DeKalb County Economic Development Corporation, has confirmed that Ferrara exceeded the Enterprise Zone job requirements. Between the two buildings, the Company currently employs over 500 persons.

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

6. Resolution 2021-085 Authorizing an Intergovernmental Agreement with DeKalb Township Road District Regarding the Design, Construction, Ownership and Maintenance of Gurler Road at the Intersection of Illinois Route 23.

City Manager's Summary: The intersection improvements planned for IL Rt. 23 and Gurler Road fall partly within the Road District's jurisdiction. The attached resolution invites the District's support for that portion of the work which falls within Township jurisdiction, and indemnifies the District for any failures by the City or private contractors working on the project. The resolution is patterned after similar enactments affecting other intersections where the City and the Township have collaborated over the past several years.

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

K. ORDINANCES – SECOND READING

None.

L. ORDINANCES – FIRST READING

1. Ordinance 2021-037 Amending The Fiscal Year-End December 31, 2021, Budget as it Pertains to the American Rescue Plan Fund (Fund 110).

City Manager’s Summary: On July 12 (Ordinance 2021-023), the City Council created a new fund (Fund 110) in the City’s financial software to provide the shell for tracking future revenues and expenditures associated with the American Rescue Plan. The allocation for “Land Acquisition Services” (Line Item 110-00-00-63650) anticipated the potential but then unknown acquisition cost for the Hunter Hillcrest property in the amount of \$1,000,000. On August 23 (Ordinance 2021-035), the Council unanimously approved a purchase and sale agreement for the Hunter Hillcrest property (1011-1027 Hillcrest Drive) in the amount of \$1,185,000 based on a certified appraisal by Valu Pros of Byron, IL. To account for the financial acquisition with more precision, the following revisions are recommended for the FY2021 Budget for Fund 110:

Fund 110: ARP Fund				
Expenditure		FY2021 Budget	Proposed Revision	Difference
110-00-00-63650	Land Acquisition	\$1,000,000	\$1,200,000	+\$200,000
110-00-00-63700	Developmental Services	\$500,000	\$300,000	-\$200,000
Net Difference				\$0.00

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

2. Ordinance 2021-038 Authorizing a Zoning Map Amendment from the “SFR2” Single Family Residential District to the “PD-R” Planned Development Residential District and an Amendment to Ordinance 2018-068 for the Property Located at 1221 Sycamore Road (Adventure Works).

City Manager’s Summary: Adventure Works of DeKalb County, Inc., represented by new Executive Director Katie Watts, has submitted a petition to rezone the property at 1221 Sycamore Road from the “SFR2” Single-Family Residential District to the “PD-R” Planned Development Residential District. The petitioner is also requesting an amendment to Ordinance 2018-068 to allow for the expansion of the Adventure Works outdoor activities area along Sycamore Road to the vacant lot at 1221 Sycamore Road. The petitioner bought the vacant lot in December 2019 and had the dilapidated home on it demolished. The PD-R zoning will match the zoning currently on the Adventure Works properties at 1211 and 1215 Sycamore Road.

The proposed amendment to Ordinance 2018-068 would include the subject site within the restrictions of the 2018 ordinance that governed future use. The 2018 ordinance restricts uses on the site to a counseling center as well as any incidental and accessory uses (e.g., an elements course). There was once an apartment unit on the second level of the building, which was allowed to continue in the 2018 Ordinance; however, the apartment has been converted to offices. Adventure Works does not intend to re-establish a dwelling unit in the building and the recommendation is to prohibit any future dwelling units on the property. The Ordinance also contains a condition that requires the property’s appearance and character to remain substantially consistent with a single-family residential look.

Finally, the petitioner is also seeking approval of a waiver to the Unified Development Ordinance for a Planned Development of less than two acres. The subject site is 0.17 acres. The lot will be combined with two other lots owned by Adventure Works, which will result in a total of 1.15 acres. A waiver to this requirement has been approved several times before and most recently with the rezoning requests at 304 N. 10th Street and 1221 W. Lincoln Highway.

The DeKalb Planning and Zoning Commission considered the rezoning and related requests at its regular meeting on September 7. By a vote of 5 to 0, the Commission recommended the Council's approval.

The welcome intent of the petitioner is to tidy up various zoning "loose ends" and establish a unified development plan for its several small parcels. **City Council approval of the Planning and Zoning Commission's recommendation is requested.** ([click here for additional information](#))

3. Ordinance 2021-039 Approving the Preliminary and Final Plat of Subdivision for CST Subdivision along Harvestore Drive (CST Industries, Inc.).

City Manager's Summary: As Principal Planner Dan Olson writes in his background memorandum, CST Industries, Inc. (CST Storage) is requesting approval of a three-lot subdivision plat located along Harvestore Drive. CST Storage has excess land between their building and Harvestore Drive that is not being utilized. In the past, CST has been approached by other businesses regarding the sale of the property. The three-lot 13.4-acre subdivision will allow CST to sell its excess land to one or more interested parties.

The proposed Lot 1 is 2.85 acres and located at the far western portion of the subdivision. Lot 2 is 9.07 acres and Lot 3 is a 1.35-acre stormwater detention pond. Roadway access will be from Harvestore Drive and a 50-foot ingress and egress easement is shown on the plat over the existing private drive to allow access to the remainder of the CST property.

The Planning and Zoning Commission discussed the proposed plat at their regular meeting on September 7. By a vote of 5 to 0, the Commission recommended approval of the Preliminary and Final Plat of CST Subdivision.

City Council approval of the Planning & Zoning Commission recommendation is requested. ([click here for additional information](#))

4. Ordinance 2021-040 Amending the City of DeKalb Municipal Code by Adding a New Chapter 46, "Citizen Police Review Board."

City Manager's Summary: On August 9, the City Council considered and supported the City Manager's draft outline of a Civilian Police Review Board with two basic purposes:

- to ensure professional accountability on the part of duly sworn 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.

The draft that was shared with the Council on August 9 had previously been shared with a variety of community groups, local law enforcement leaders, local social justice activists, and the Human Relations Commission (on August 3). The Commission recommended a broad solicitation of community candidates and stressed the importance of upfront training for Board members including ride-alongs with patrol officers, participation in simulation training, participation in implicit bias and de-escalation training, and a working knowledge of the Police Department Standards of Conduct before active work on the Review Board ensued.

The attached ordinance contains several additional features to allow for more transparency, so it was brought back before the Human Relations Commission on September 7. Specifically, the attached ordinance

- **requires the Chief of Police to consult with the Board once the internal investigation is complete and before making any recommendation for discipline; and**
- **provides for an informal public hearing of citizen complaints in public session. While citizens may still bring confidential complaints to the Chief of Police or Fire and Police Commission, the Citizen Review Board will only hear signed and written complaints since their findings and recommendation will publicly bear on a Police Officer's career and professional standing.**

At its September 7 meeting, the Human Relations Commission considered the attached ordinance. After discussion, Commission chair Joe Gastiger polled the Commission which supported the draft ordinance without dissent.

The following summary details the main provisions of the proposed ordinance:

- a) Use of Force Cases. Use of Force investigations may involve parallel criminal and administrative paths. With respect to the administrative path whose focus would be whether an Officer's actions were in violation of DeKalb Police Department policies and procedures, **the Chief of Police shall consult with the Board once the internal investigation is complete and before making any recommendation for discipline.** In its deliberation, the Board shall have access to all materials and evidence pertinent to a particular case including, but not limited to, the following:
 - Police dashboard camera footage;
 - Police body camera footage;
 - Footage from cameras on site or near the location where a particular incident occurred;
 - Forensic reports;
 - Police case files; and
 - Written or recorded witness accounts.

The Board's deliberations with respect to a potential Use of Force violation by a particular DeKalb Officer may be prompted by a citizen complaint. To assure that

knowingly false information does not confuse or disrupt the Commission's work or unfairly jeopardize a Police officer's professional standing in the community, such complaints shall be written and signed, and subject to legal review in the event the complaint was knowingly unfounded.

If the Chief of Police concludes, after deliberation with the Board, that discipline for a violation of the Department's Use of Force policies and procedures is merited, and proceeds to impose that discipline, the Chief's findings, Board recommendation, and discipline 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.).

- b) Consideration of Citizen Complaints. The Board may choose to consider written and signed citizen complaints about the conduct or performance of a DeKalb Police officer. As noted above, anonymous complaints will not be considered.
- A majority of a quorum of the Board is needed to proceed with the investigation of a citizen complaint against a sworn officer.
 - The Board shall consider all complaints in public session. The Board will not have the authority to enter into confidential or caucus discussions with the complainant or individual parties.
 - Complaints shall be sent in writing to the Board which shall determine when the complaint will be heard, with the expectation that there will be adequate time for any written complaint and any written response from the impacted Police Officer to be thoughtfully considered prior to the convening of the Board's informal inquiry.
 - The Board's judgment regarding a complaint shall be advisory only, and any Board recommendation shall be made to the Chief of Police.
- c) Monitoring of Police Training. The Board shall monitor the DeKalb Police Department's compliance with the training mandates of Public Act 101-0652 and shall be given quarterly reports from the Chief of Police regarding the status of the department's compliance efforts.

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

M. REPORTS AND COMMUNICATIONS

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

N. EXECUTIVE SESSION

None.

O. ADJOURNMENT

[REGULAR AGENDA PACKET – SEPTEMBER 13, 2021](#)