



**DEKALB CITY COUNCIL AGENDA  
REGULAR MEETING  
SEPTEMBER 27, 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, which was extended to October 16, 2021 by Executive Order 2021-23 dated Sept. 17, 2021.**

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

**B. PLEDGE OF ALLEGIANCE**

**C. APPROVAL OF THE AGENDA**

**D. PUBLIC PARTICIPATION**

**E. PRESENTATIONS**

1. [Proclamation: Fire Prevention Week, October 3-9, 2021.](#)
2. Presentation of a Donation in the Amount of \$15,148 from the DeKalb Rotary Club to be Used Towards the Exterior Restoration of the Soldiers and Sailors Memorial Clock at the Northeast Corner of First Street and Lincoln Highway.

**F. APPOINTMENTS**

None.

**G. CONSENT AGENDA**

1. [Accounts Payable and Payroll through September 27, 2021, in the Amount of \\$2,979,543.79.](#)
2. [Investment and Bank Balance Summary through July 2021.](#)
3. [Year-to-Date Revenues and Expenditures through July 2021.](#)
4. [Freedom of Information Act \(FOIA\) Report – August 2021.](#)

**H. PUBLIC HEARINGS**

None.

**I. CONSIDERATIONS**

None.

**J. RESOLUTIONS**

- 1. Resolution 2021-086 Authorizing the Purchase of Four Police Interceptor Vehicles through Morrow Brothers Ford for the DeKalb Police Department in an Amount Not to Exceed \$150,000.**

City Manager's Summary: The attached resolution authorizes the City Manager to enter into an agreement with Morrow Brothers Ford for the purchase of Four (4) Ford Police Interceptors using financing from Tax-Exempt Leasing Corporation in an amount not to exceed \$150,000. These purchases were approved in the FY2021 City Budget and the vehicle orders will be made with the Council's approval of Resolution 2021-086, but because of manufacturer delays, the vehicles are likely not to be received until 2022.

A tax-exempt lease-purchase is a form of lease financing that is an alternative to outright purchase or the issuance of debt for certain capital expenditures. In this case, the "lease-to-own program" provides financing for the upfront purchase by spreading the cost over five years, similar to how the average consumer finances a new car purchase. The advantage to a municipality is the ability to manage limited cash flow over time. There is an added cost of interest on the lease; however, interest rates are presently favorable. Additionally, interest rates are typically low because the lender can claim interest revenue as tax-free if the purchaser is a government entity.

The City's current Debt Management Policy, included as an addendum to the City budget, allows for capital leasing of this type. The policy sets a limit of \$1,000,000 in lease financing per fiscal year, with no asset over \$500,000 being eligible for a lease. Lease proposals were invited by Assistant City Manager Josh Boldt and the results are shown in the table below:

<b>Four (4) Ford Police Interceptors</b>		
<b>Vendor</b>	<b>Tax-Exempt Leasing Corp.</b>	<b>Enterprise</b>
<b>Total Financed Amount</b>	\$ 150,000	\$ 157,928
<b>Payment Frequency</b>	Quarterly	Monthly
<b>Term</b>	Five Years	Five Years
<b>Interest Rate</b>	2.48%	3.85%
<b>Payment</b>	\$ 7,998	\$ 3,055
<b>Total Cost of Lease</b>	\$ 159,960	\$ 183,300

Tax-Exempt Leasing Corporation offered the lowest interest rate of 2.48%. Enterprise quoted 3.85%. Tax-Exempt Leasing's business is built solely on providing tax-exempt lease financing to municipalities and other government entities. Because such leasing companies typically do not source the vehicles, the City staff communicated with Brad

Manning Ford and Morrow Brothers Ford to determine delivery dates and costs. Morrow Brothers Ford holds the State's Ford contract and offers competitive advantages to governments when weighed against delivery time and cost. Based on Morrow Brothers Ford's quote, the final purchase price is \$36,235 per vehicle (\$144,940 total). The attached proposal requests authorization not to exceed \$150,000 in the event of unforeseen delays in manufacture and delivery. The resulting impact on the Capital Equipment Replacement Fund (Fund 420) as compared to that presented to the Council and the FAC on August 16 is shown below:

	FY2019 Actual	FY2020 Actual	FY2021 Budget	FY2021 Amended	FY2021 Projected	FY2022 FAC Budget	FY2022 Revised
<b>Starting Fund Balance</b>	\$338,799	\$697,371	\$739,596	\$739,596	\$739,596	\$819,120	\$819,120
<b>Revenues</b>							
Home Rule Motor Fuel Tax	\$0	\$122,267	\$175,000	\$175,000	\$175,000	\$179,813	\$179,813
State Grants	\$0	\$0	\$0		\$0	\$0	\$0
Rental Income	\$217,155	\$226,224	\$220,000	\$220,000	\$220,000	\$220,000	\$220,000
Investment Interest	\$489	\$391	\$500	\$500	\$300	\$400	\$400
Misc. Revenue	\$40,000	\$40,000	\$40,000	\$40,000	\$40,000	\$40,000	\$40,000
Refunds/Reimbursements	\$166,714	\$202,689	\$210,000	\$210,000	\$210,000	\$210,000	\$210,000
Donation/Contribution	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Sales of Surplus Property	\$15,840	\$83,924	\$0	\$0	\$84,725	\$10,000	\$10,000
Capital Lease Issuance	\$0	\$414,386	\$0	\$0	\$512,940	\$275,000	\$182,000
Transfer from General Fund	\$75,000	\$1,700	\$0	\$25,000	\$25,000	\$0	\$0
<b>Total Revenues</b>	<b>\$515,198</b>	<b>\$1,091,581</b>	<b>\$645,500</b>	<b>\$670,500</b>	<b>\$1,267,965</b>	<b>\$935,213</b>	<b>\$842,213</b>
<b>Expenditures</b>							
Loan Principal	\$16,667	\$16,667	\$16,667	\$16,667	\$16,667	\$16,667	\$16,667
Lease Purchase Contracts	\$0	\$0	\$205,144	\$129,753	\$129,753	\$61,569	\$0
Capital Lease Principal	\$0	\$29,905	\$0	\$116,780	\$134,619	\$183,190	\$199,977
Capital Lease Interest	\$0	\$2,493	\$0	\$22,119	\$24,154	\$35,238	\$30,611
Maintenance--Buildings	\$1,406	\$0	\$0	\$0	\$0	\$0	\$0
Maintenance--Equipment	\$0	\$21,975	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000
Maintenance--Vehicles	\$0	\$0	\$20,000	\$20,000	\$20,000	\$20,000	\$20,000
Technology Equipment	\$84,929	\$0	\$104,000	\$104,000	\$104,000	\$110,000	\$110,000
Vehicles	\$53,624	\$478,316	\$141,500	\$226,308	\$739,248	\$425,000	\$332,000
Transfer to General Fund	\$0	\$500,000	\$0	\$0	\$0	\$0	\$0
<b>Total Expenditures</b>	<b>\$156,626</b>	<b>\$1,049,356</b>	<b>\$507,311</b>	<b>\$655,627</b>	<b>\$1,188,441</b>	<b>\$871,665</b>	<b>\$729,255</b>
Net of Revenues/Expenditures	\$358,572	\$42,225	\$138,189	\$14,873	\$79,524	\$63,548	\$112,958
<b>Ending Balance</b>	<b>\$697,371</b>	<b>\$739,596</b>	<b>\$877,785</b>	<b>\$754,469</b>	<b>\$819,120</b>	<b>\$882,668</b>	<b>\$932,078</b>
Capital Asset Issuances required for Vehicles according to GAAP							
Represents 5 additional leases (4 Police Explorers & Full Size Dump) & \$150,000 in outright purchases							
Aftermarket Upfitting Costs of Police Explorers & \$20,000 in Tech Equip. contingencies							

The "upfitting" of the vehicles to meet Police Department requirements is cheaper through local jobbers at cash prices.

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

**2. Resolution 2021-087 Authorizing the Purchase of a Single-Axle Dump Truck through Rush Truck Center for the Public Works Streets Division in an Amount Not to Exceed \$185,000.**

City Manager's Summary: As Andy Raih, the Director of Streets and Facilities, writes in his background memorandum, the Street Division is seeking to replace a 1997 International tandem axle dump truck (P-24) that is in a severely failing condition. The City's source for the truck chassis is Rush Truck Center, which has the State purchase contract for vehicles of this size and specification. The attached resolution would authorize a contract with Rush Truck Center to purchase a new single axle dump truck in an amount not to exceed \$185,000. The vehicle will be used for snow plowing, leaf collection, and street repairs.

The purchase will be classified as a FY2022 purchase, although ordered in FY2021. Due to nationwide vehicle supply chain delays, the replacement truck's delivery date may be as distant as the last quarter of 2022 or the first quarter of 2023.

The total purchase price of \$181,937 (Exhibit A) includes the accessories and equipment as outlined in Exhibit B and C (see attached), which include a plow and wing package for the truck to be used during snow events. A follow-on vehicle lease is anticipated in the FY2022 Fund 420 Budget, as depicted in the detailed color table in the preceding Agenda item.

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

**3. Resolution 2021-088 Authorizing an Agreement with Commonwealth Edison Company for a Roadway and Utility Easement to Support Macom Drive.**

City Manager's Summary: At the regular City Council meeting of August 23, the City Manager proposed, and the Council approved, a number of FY2021 Budget amendments, including a revision of the Capital Projects Fund (Fund 400), "Contracted Services" (400-00-00-63800), to account for a payment of \$20,700 to purchase permanent easement rights for the Macom Drive connection to Peace Road through the ComEd utility easement on the west side of Peace Road. The dispute as to whether the easement previously existed from the earliest entitlement actions creating Park 88 in 2004 was never resolved, and as the engineering for the widening of Peace Road proceeds, it was necessary to resolve the matter. City Engineer Zac Gill has worked diligently to resolve the dispute. The attached agreement settles the agreement at the price accepted by the Council on August 23.

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

**4. Resolution 2021-089 Authorizing a Professional Services Agreement with Jacob & Hefner Associates, Inc. for Construction Engineering During Gurler Road and Illinois Route 23 Intersection Improvements in an Amount Not to Exceed \$75,050.**

City Manager's Summary: On September 13, the City Council approved Resolution 2021-083, which awarded the construction contract for intersection improvements at Gurler Road and IL Rt. 23 to Curran Contracting in the amount of \$1,736,419.37. The engineering supervision, field work, payouts, and final material and construction

approvals must satisfy IDOT's requirements and the stipulations of the IDOT Economic Development Program, which has committed \$1.49 million to the project. Ferrara Candy Company has committed the balance of the necessary funding for the intersection improvements.

The engineering firm of Jacob & Hefner Associates has been deeply involved with the preliminary design of the intersection improvements under contract with the private parties involved in the development of both the Ferrara and Facebook properties. The attached resolution authorizes a contract with Jacob & Hefner to ensure the final completion according to IDOT specifications. The costs will be borne by the EDP grant and private contributions toward the successful completion of such improvements.

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

## K. ORDINANCES – SECOND READING

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

City Manager's Summary: At the last regular City Council meeting of September 13, the Council considered Ordinance 2021-040 on first reading to allow for additional public discussion. Since that meeting, the Council and City staff have heard from a number of local residents and groups. In nearly all instances, the public response has echoed the sentiments expressed by Council Member Greg Perkins at the September 13 meeting, namely, that the revised draft is a "great starting point."

Accordingly, the City Manager has brought Ordinance 2021-040 back to the Council for a second reading. For reference, the principal features of the proposed "Citizen Police Review Board" are as follows:

- 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 Board'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, then 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 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 the SAFE-T Act (Public Act 101-0652) and shall be given quarterly reports from the Chief of Police regarding the status of the department's compliance efforts.

On September 10, the City received a formal "Demand to Bargain" over the proposed Citizen Police Review Board from the Illinois FOP Labor Council. The first bargaining session that could be scheduled was on Tuesday, September 21. The Labor Council raised several concerns:

- First, that no sworn officer could be ordered to appear before the CPRB against his or her will;
- Second, that the Board maintain the confidentiality of active and pending disciplinary proceedings; and
- Third, in the event that discipline is recommended by the Board and imposed by the Chief, the public release of the proceedings of the Board shall not occur until any subsequent grievance or arbitration rulings are final.

The attached ordinance has been revised to include these specific recommendations, which are consistent with state statute and the City's collective bargaining obligations.

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

**L. ORDINANCES – FIRST READING**

**None.**

**M. REPORTS AND COMMUNICATIONS**

**1. Council Member Reports.**

**2. City Manager Report.**

**N. EXECUTIVE SESSION**

**None.**

**O. ADJOURNMENT**

**[REGULAR AGENDA PACKET – SEPTEMBER 27, 2021](#)**