



**DEKALB CITY COUNCIL AGENDA
REGULAR MEETING
OCTOBER 24, 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. [Appointing Jane Levinsky to the Board of Fire and Police Commissioners for a Three-Year Term through December 31, 2025.](#)

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 October 10, 2022.](#)

H. CONSENT AGENDA

1. [Accounts Payable and Payroll through October 24, 2022, in the Amount of \\$2,611,778.96.](#)

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

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. Pursuant to current public health guidelines, persons attending this meeting are not required to wear protective face masks/coverings.

2. [Freedom of Information Action \(FOIA\) Report – September 2022.](#)
3. [FY2022 Human Services Funding 3rd Quarter Report.](#)

I. PUBLIC HEARINGS

None.

J. CONSIDERATIONS

1. **Consideration of Providing American Rescue Plan Act (ARPA) Funds to the Egyptian Theatre (\$75,000) and Stage Coach Players (\$25,000).**

City Manager's Summary: At the regular City Council meeting of October 10, the executive director of Preservation of Egyptian Theatre, Inc., Alex Nerad, requested the Council's public consideration of a recent written request for consideration of American Rescue Plan Act (ARPA) grants for the Egyptian Theatre and Stage Coach Players. The Council directed the City Manager to include such a consideration on this agenda. A copy of the written request is appended in its entirety in the Council background.

The Egyptian's not-for-profit board was organized in 1978 and has been dedicated to preserving the historic theater which was opened in 1929. The facility seats 1,400 and – as the supporting letters show – on the nights that the Egyptian has a show the downtown's restaurants and bars have substantially higher customer volumes. Additionally, the facility has long provided local social service agencies and service clubs, scouts, etc. a remarkable, economical performance stage for their volunteer or community-centered activities.

Stage Coach Players is one of the longest running community theaters in Illinois and has been operating since 1947. It is an all-volunteer organization that produces 8-10 productions every year. Each production typically runs for 7-8 performances. The Stage Coach facility on S. Fifth Street seats 164 for a variety of plays and musicals featuring local talent.

In its guidance to state and local governments in 2021, the US Treasury identified the hospitality, travel, and tourism industries as eligible targets for ARPA grants because of the government-ordered closings for many months at the height of the COVID pandemic in 2020 and 2021. In Illinois, theaters were unable to operate for about 15 months, with the exception of several months when the Illinois directives with respect to customer separation made it more expensive to open and staff a performance than to stay closed with little or no staff on the premises.

The specific requests are summarized below:

a) **Egyptian Theatre.** The 501(c)(3) organization has requested **\$75,000** for unrestricted operational use. Mr. Nerad has explained that one particular operating use would be to establish a sinking fund with which to guarantee the "gate" or a minimum ticket revenue to attract larger acts that might be inclined to devote one night before or after a longer performance commitment in Chicago to an outlying community venue.

b) **Stage Coach Players.** This 501(c)(3) organization has requested **\$25,000** for unrestricted operational use.

The ARPA Fund's projects to-date and current balance are shown in the following table:

ARPA SPENDING – \$10,422,954					
	FY21	FY22	FY23	FY24	Total
PROJECT					
Public Safety Re-Hires	\$1,511,017	\$1,997,435	\$1,837,285	\$1,019,023	\$6,364,760
Lead Service Replacement		\$700,000	\$300,000		\$1,000,000
Purchase and Demo of Hunter Hillcrest	\$1,148,164	\$353,949			\$1,502,113
Tenant Relocation	\$50,981	\$77,544			\$128,525
Other Units of Government (DeKalb Park District / KWRD)	\$291,644				\$291,644
Edgebrook Dr. Reconfiguration		\$222,000			\$222,000
Kimberly Drive Reconfiguration (est.)			\$250,000		\$250,000
Annie Glidden Road Sidewalk		\$60,000			\$60,000
Grove St. bikeway; Fairview Calming		\$225,000			\$225,000
Other AGN Investment			\$100,000		\$100,000
Total	\$3,001,806	\$3,635,928	\$2,487,285	\$1,019,023	\$10,144,042
Balance					\$278,912

The Egyptian appeal letter (attached) did not note the federal assistance that appears to have been received by the not-for-profit during the COVID pandemic. According to government records, the federal Small Business Administration's Shuttered Venue grant program awarded \$687,989 in grant funds to the Egyptian. The Egyptian also received \$92,181 in Paycheck Protection Program (PPP) loans which appear to have been forgiven. There is no record that Stage Coach received funding from either federal program.

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

2. Consideration of the Annual Property Tax Levy in the City of DeKalb.

City Manager's Summary: The property tax is the most stable source of revenues for local taxing bodies. What is levied is typically applied and generally distributed, assuming property owners pay their obligations. However, DeKalb's local taxing bodies are at a precarious economic crossroad: the aggregate property tax burden on local businesses, homeowners, and renters alike diminishes DeKalb's competitive economic position. In many instances, DeKalb's aggregate property tax rate is 20% higher than that of the City's nearest geographical competitors (e.g., Geneva, St. Charles, Batavia, North Aurora, South Elgin, and East Dundee).

The 2021 aggregate rate in DeKalb declined from \$11.49927 per \$100 EAV to \$11.06394 per \$100 EAV owing in large part to the recent substantial increases in local equalized assessed valuations tied to industrial development on the Gurler Road corridor:

2021 Comparative Property Tax Rates					
Taxing Body	2019 Rate	2020 Rate	2021 Rate	2021/2020 Diff	% of Agg Rate
County (blended)	1.07520	1.06293	1.03149	-2.96%	9.32%
Forest Preserve (blended)	0.07481	0.07396	0.07355	-0.55%	0.66%
DeKalb Township	0.16318	0.16002	0.14864	-7.11%	1.34%
DeKalb Road & Bridge	0.18671	0.18485	0.17298	-6.42%	1.56%
City of DeKalb	0.08451	0.00000	0.00000	0.00%	0.00%
DeKalb Pension Funds	1.07042	1.06868	0.98612	-7.73%	8.91%
DeKalb Library	0.38683	0.38772	0.38546	-0.58%	3.48%
DeKalb Park District	0.63957	0.61941	0.62870	1.50%	5.68%
DeKalb Park Pension Funds	0.08088	0.09034	0.06761	-25.16%	0.61%
School District 428 (blended)	7.18383	7.06491	6.80841	-3.63%	61.54%
Kishwaukee College	0.64101	0.64147	0.63000	-1.79%	5.69%
Kishwaukee College Soc. Sec.	0.01176	0.01131	0.01100	-2.74%	0.10%
KWRD	0.11811	0.11596	0.10442	-9.95%	0.94%
KWRD Pension Funds	0.01785	0.01771	0.01556	-12.14%	0.14%
	11.73467	11.49927	11.06394	-3.79%	100.00%

How far can our community's taxing bodies go in the reduction of their annual property tax rates? In its leadership role, the City's tax rate history should be scrutinized. The City's rate has declined for the past four tax years. The 2021 City Tax Rate of 0.98612 (\$6,845,317 divided by \$694,171,673) is 7.73% lower than the 2020 City rate of 1.06868 per \$100 EAV. The following table portrays this trend:

Recent City Property Tax Levies and Rates			
Year	Rate-Setting EAV: City	City Levy	City Rate
2011	582,504,715	4,196,890	0.7205
2012	533,805,903	4,244,718	0.7952
2013	485,923,623	4,270,457	0.9809
2014	464,966,381	4,270,540	1.0245
2015	468,077,742	5,094,730	1.1942
2016	503,861,829	5,565,384	1.2021
2017	529,629,464	6,004,594	1.2268
2018	547,947,687	6,017,140	1.1883
2019	585,726,839	6,269,649	1.1541
2020	610,333,062	6,522,507	1.06868
2021	694,171,673	6,845,317	0.98612

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The table below illustrates the trend in actual property tax dollars paid to the City alone by a household living in a home with a market value of approximately \$300,000 over the past three years:

Year	Base EAV	Twp Multiplier	New EAV	Homestead	Final EAV	DeKalb Rate	DeKalb Tax
2019	\$97,906	1.0351	\$101,343	-\$6,000	\$95,343	1.1549	\$1,101.11
2020	\$101,343	1.0409	\$105,488	-\$6,000	\$99,488	1.06868	\$1,063.21
2021	\$105,488	1.0162	\$107,197	-\$6,000	\$101,197	0.98612	\$997.92

A. City Levy Options

Option #1: Identify a City Levy that Promises Little or No Increase in the City’s Share of Homeowner Property Taxes, Regardless of What Other Taxing Bodies Do.

This option is baked into the proposed FY2023 Budget reviewed by the Finance Advisory Committee on October 19. The proposed FY2-23 General Fund Budget includes a 4% increase in the City Levy (from \$6,845,317 in 2021 to \$7,119,130 in 2022). The exact levy is a worrisome gamble at this time of the year. Township Assessors do not submit their final EAV numbers until November 1, which means any pending occupancy certificates need to be issued by the City’s Building Department before that date if a property is to get even a pro-rata assessment in 2022 that is based on final construction values. In this context, occupancies for certain portions of the first data halls on the Meta site are pending. Whether or not these occupancies are issued will have a significant impact on the County’s estimate of DeKalb’s community-wide rate-setting EAV.

Although uncertainty abounds, local decisions have to be made about levies by December. The following assumptions are behind Option #1:

- City Levy: \$7,119,130 (an increase of \$273,813 or 4%)
- City Rate-Setting EAV (incl. Township multiplier of 1.0662): \$768,500,000
- City Rate: 0.92607

The estimated impact of Option #1 on the theoretical householder with a home carrying a present market value of approximately \$300,000 is illustrated in the table below:

Year	Base EAV	Twp Multiplier	New EAV	Homestead	Final EAV	DeKalb Rate	DeKalb Tax
2019	\$97,906	1.0351	\$101,343	-\$6,000	\$95,343	1.1549	\$1,101.11
2020	\$101,343	1.0409	\$105,488	-\$6,000	\$99,488	1.06868	\$1,063.21
2021	\$105,488	1.0162	\$107,197	-\$6,000	\$101,197	0.98612	\$997.92
2022	\$107,197	1.0662	\$114,293	-\$6,000	\$108,293	0.92607	\$1,002.86

The high DeKalb Township multiplier mirroring a steep spike in local home sale prices contributes to the significant reduction in the City’s rate (-6.1%) in this option. The multiplier also falls hard on the individual taxpayer, as the table above shows. The minor (\$4.94) increase may become a savings if the City’s actual EAV reported by the County Supervisor of Assessments in April 2023 is higher than the projected \$768,500,000.

Option #2: Identify a Community Aggregate Rate Target in Coming Years.

For discussion purposes, the following table suggests an aggressive timeline for achieving a 9.5% target in the aggregate local property tax rate over the next three years:

Targeted Aggregate Rate Decline: 2022-2024					
Taxing Body	2021 Rate	% of Agg Rate	2022 -5%	2023 -5%	2024 -3.5%
County (blended)	1.03149	9.32%	0.979916	0.93092	0.898338
Forest Preserve (blended)	0.07355	0.66%	0.069873	0.066379	0.064056
DeKalb Township	0.14864	1.34%	0.141208	0.134148	0.129452
DeKalb Road & Bridge	0.17298	1.56%	0.164331	0.156114	0.15065
City of DeKalb	0.00000	0.00%	0	0	0
DeKalb Pension Funds	0.98612	8.91%	0.936814	0.889973	0.858824
DeKalb Library	0.38546	3.48%	0.366187	0.347878	0.335702
DeKalb Park District	0.62870	5.68%	0.597265	0.567402	0.547543
DeKalb Park Pension Funds	0.06761	0.61%	0.06423	0.061018	0.058882
School District 428 (blended)	6.80841	61.54%	6.46799	6.14459	5.929529
Kishwaukee College	0.63000	5.69%	0.5985	0.568575	0.548675
Kishwaukee College Soc. Sec.	0.01100	0.10%	0.01045	0.009928	0.00958
KWRD	0.10442	0.94%	0.099199	0.094239	0.090941
KWRD Pension Funds	0.01556	0.14%	0.014782	0.014043	0.013551
	11.06394	100.00%	10.51074	9.985206	9.635724

Based on this option, the estimated impact on the average DeKalb homeowner would be as follows:

Year	Base EAV	Twp Multiplier	New EAV	Homestead	Final EAV	DeKalb Rate	DeKalb Tax
2019	\$97,906	1.0351	\$101,343	-\$6,000	\$95,343	1.1549	\$1,101.11
2020	\$101,343	1.0409	\$105,488	-\$6,000	\$99,488	1.06868	\$1,063.21
2021	\$105,488	1.0162	\$107,197	-\$6,000	\$101,197	0.98612	\$997.92
2022	\$107,197	1.0662	\$114,293	-\$6,000	\$108,293	0.936814	\$1,014.50

Option #3: Identify a City Levy that Covers the Shortfall in Property Taxes for Downstate Pensions.

Historically, pension fund boards, actuaries, and other fiduciary agents prefer the dedication of property taxes to fund annual pension obligations because of their greater reliability as opposed to sales and use taxes, which are more vulnerable to changes in the business cycle. **For the last ten years, all the property tax revenues collected by the City have been used for pension contributions, although for many years the amount levied has not fully funded this annual contribution, as shown below:**

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Fiscal Year		Actuarial Required Contribution	City's Adopted Tax Levy	Shortfall \$	Shortfall %
2019	Fire Pension	\$3,503,332	\$3,220,517	\$282,815	8.07%
	Police Pension	\$3,079,438	\$2,796,623	\$282,815	9.18%
	Total	\$6,582,770	\$6,017,140	\$565,630	8.59%
2020	Fire Pension	\$3,951,651	\$3,322,914	\$628,737	15.91%
	Police Pension	\$3,446,287	\$2,946,735	\$499,552	14.50%
	Total	\$7,397,938	\$6,269,649	\$1,128,289	15.25%
	<i>increase over PY</i>	<i>12.38%</i>	<i>4.20%</i>		
2021	Fire Pension	\$4,282,230	\$3,569,403	\$712,827	16.65%
	Police Pension	\$3,614,881	\$2,953,053	\$661,828	18.31%
	Total	\$7,897,111	\$6,522,456	\$1,374,655	17.41%
	<i>increase over PY</i>	<i>6.75%</i>	<i>4.03%</i>		
2022	Fire Pension	\$4,415,632	\$3,720,878	\$694,754	15.73%
	Police Pension	\$3,707,827	\$3,124,439	\$583,388	15.73%
	Total	\$8,123,459	\$6,845,317	\$1,278,142	15.73%
	<i>increase over PY</i>	<i>2.87%</i>	<i>4.95%</i>		
2023	Fire Pension	\$4,933,015	\$3,869,713	\$1,063,302	21.55%
	Police Pension	\$3,901,382	\$3,249,417	\$651,965	16.71%
	Total	\$8,834,397	\$7,119,130	\$1,715,267	19.42%
	<i>increase over PY</i>	<i>8.75%</i>	<i>4.00%</i>		

The annual shortfalls have typically been paid from the General Fund's operating revenues (e.g., sales and use taxes, state income tax proceeds, etc.) and these shortfalls are increasing. In fact, the pension shortfall is roughly equivalent to the projected gap between annual General Fund revenues and expenditures in 2024 and 2025, on a combined basis.

The huge shift of property taxes to pension funding makes this levy option unattractive because of the very negative impact on the local property taxpayer. The following assumptions are behind Option #3:

- City Levy: \$8,899,427 (a general increase of 4.95% plus the pension funding shortfall of \$1,715,267)
- City Rate-Setting EAV (incl. Township multiplier of 1.0662): \$768,500,000
- City Rate: **1.15803**

The impact of Option #3 on the theoretical householder with a home carrying a present market value of approximately \$300,000 is illustrated in the table below:

Year	Base EAV	Twp Multiplier	New EAV	Homestead	Final EAV	DeKalb Rate	DeKalb Tax
2019	\$97,906	1.0351	\$101,343	-\$6,000	\$95,343	1.1549	\$1,101.11
2020	\$101,343	1.0409	\$105,488	-\$6,000	\$99,488	1.06868	\$1,063.21
2021	\$105,488	1.0162	\$107,197	-\$6,000	\$101,197	0.98612	\$997.92
2022	\$107,197	1.0662	\$114,293	-\$6,000	\$108,293	1.15803	\$1,254.06

On October 19, the Finance Advisory Committee recommended Option #1. **The City Manager requests Council support for the FAC recommendation.**

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K. RESOLUTIONS

1. Resolution 2022-103 Authorizing an Intergovernmental Agreement with the Kishwaukee Water Reclamation District Regarding Waste Treatment Buildings, Improvements, and Appurtenances Located within the City of DeKalb.

City Manager's Summary: This draft intergovernmental agreement recognizes the close, daily working relationship and the integral connection between the City's water distribution system and the reclamation of clean water from the area's sewer discharge. The Kishwaukee Water Reclamation District (KWRD) is the heir to the DeKalb Sanitary District which was created in 1917 to collect, treat, and dispose of the area's sewage before discharge to the Kishwaukee River. KWRD was incorporated in 2017 to better reflect the district's mission to recover valuable resources from the sewage it receives.

Upon its incorporation in 2017, the KWRD began a \$55 million upgrade to its reclamation facility at 1301 Sycamore Road. The state-of-the-art facility created from this very substantial investment is accomplishing the following goals:

- Replacing treatment infrastructure beyond its useful design life.
- Improving biological treatment to ensure regulatory compliance with current and future water quality standards.
 - Improving water quality by removing contaminants.
 - Removing Phosphorus and Nitrogen which cause algal blooms.
- Improving hydraulic efficiency.
- Adding resource recovery and the creation of electrical power from sewage and other renewable resources to be a "net-zero" facility by 2025.
- Creating a facility footprint for the next 50 years.
- Improving site safety and security.
- Increasing excess flow (wet weather) treatment capacity.

The attached resolution replaces an intergovernmental agreement reflective of an earlier generation that was built on competition over growth decisions and a general resistance toward merging the talents of maintenance crews or managers to solve problems on behalf of the citizens both taxing bodies serve. In fact, the inherent assumption in the former agreement is that the trained and licensed professionals of KWRD are somehow deficient in their dedication to the highest standards of construction, processing, safety, and community awareness. The attached resolution is a statement of cooperation based on professional respect.

Specifically, the proposed intergovernmental agreement has the following key points:

- a) It explicitly recognizes that the City government and KWRD are "coequal units of local government."

- b) It recognizes that as the KWRD continues to upgrade its facilities, it will employ licensed professional engineers and architects to design and oversee the construction of any new features, including both occupied buildings and unoccupied buildings such as pump houses.
- c) Both parties are committed to assuring Fire and other emergency access and safety within any KWRD spaces.
- d) All property presently and hereafter owned by the KWRD will be treated as public/institutionally zoned property (similar to NIU) and designated as such. A follow-on amendment to the City's UDO will confirm the zoning change.
- e) Both the City and KWRD will work cooperatively to assure sewer service to future development projects. Both parties also recognize that certain types of processes will require "pre-treatment" on site to meet IEPA standards for the effluent as it enters the treatment plant.
- f) Both parties shall take into account requests for relevant easements for utilities, rights of way, etc.
- g) Neither party will require permits for work by the other on their own utilities and facilities, even though they may be under City rights-of-way. However, both parties shall share any necessary plans for such work in a timely manner so as not to inconvenience the other party or impacted residents and businesses.
- h) Aside from the main plant at 1301 Sycamore Road, the District owns farmland south of I-88 used for sludge spreading (currently annexed) and an area north of I-88 known as the "South Slope." The South Slope was once considered for an additional treatment facility and has not been annexed. The District agrees to annex the South Slope to the City within 90 days of the execution of this IGA.
- i) If the District should acquire additional land in the future, the terms of this IGA shall apply.

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

2. Resolution 2022-104 Authorizing a Purchase Agreement with Compass Minerals for the Purchase of Water Conditioning Bulk Softener Salt for a Period of One Year from January 1, 2023, through December 31, 2023, for the Purpose of Treating the City's Drinking Water.

City Manager's Summary: As Assistant Public Works Director Bryan Faivre writes in his background memorandum, the Water department recently went out to bid for our annual supply of bulk softener salt. Water conditioning rock salt is used for softening the City's potable water supply to ensure compliance with state and federal drinking water standards. It is a purer form of salt than regular road salt and is specifically designed for the treatment of drinking water. Although the term of the contract was one year, it also carried the option of two, one-year extensions at the mutual agreement of the parties. A one-time economic adjustment is allowed for each one-year extension not to exceed the published Chicago Area Consumer Price Index (CPI) for the previous 12-month period. The volatility in the market pricing of this material has made longer-term contracts financially unwise.

On October 2, 2022, the Water staff opened bids for the purchase and delivery of water conditioning bulk softener salt for the City's five water treatment plants. Two bids were received, as described below:

Water Conditioning Bulk Softener Salt

- Tons used annually = 1,332
- Current price = \$132.50 per ton
- Current Supplier: Midwest Salt Company

Bid Tabulation

Company Name	Bid Price (per ton)
Compass Minerals	\$140.58
Midwest Salt Company	\$155.00

Accepting the low bid by Compass Minerals in the amount of \$140.58 per ton will result in an increase of approximately \$10,762 (10.3%) annually when compared to the current price of salt.

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

3. Resolution 2022-105 Authorizing a Purchase Agreement with Alexander Company for the Purchase of Chlorine for a Period of One Year from January 1, 2023, through December 31, 2023, for the Purpose of Treating the City's Drinking Water.

City Manager's Summary: The Water department also recently requested bids for the City's annual supply of chlorine, which is added to the water supply for the purpose of water purification. Chlorine is a safe and reliable disinfectant and helps maintain water quality within the distribution system. The contract includes the option of two, one-year extensions at the mutual agreement of the parties. As with the salt contract, a one-time economic adjustment is allowed for each one-year extension not to exceed the published Chicago Area Consumer Price Index (CPI) for the previous 12-month period. The volatility in the market pricing of this material has made longer-term contracts financially unwise.

The approximate annual chlorine usage is described below:

Chlorine (Liquid Chlorine 2.3):

- Pounds used annually = 34,897
- Current price = \$1.11/lb.
- Current Supplier: Alexander Company

The Water Division held a public bid opening on October 2 and received just one bid – from the Alexander Company, which is the current supplier.

Bid Tabulation

Company Name	Bid Price (per pound)
Alexander Company	\$1.99

Accepting the low bid by Alexander Company in the amount of \$1.99 per pound will result in an increase of approximately \$30,710 annually when compared to the current price of chlorine.

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

4. Resolution 2022-106 Authorizing a Purchase Agreement with Water Solutions Unlimited for the Purchase of Fluoride for a Period of One Year from January 1, 2023, through December 31, 2023, for the Purpose of Treating the City's Drinking Water.

City Manager's Summary: Water fluoridation is a safe and effective means of improving oral health in a community. The Center for Disease Control and Prevention (CDC) has recognized water fluoridation as one of the major public health achievements of the 20th century.

The approximate annual usage is described below:

Fluoride (Hydrofluosilicic Acid)

- Pounds used annually = 6,119
- Current price = \$0.3863 per pound
- Current Supplier: Alexander Company

The Water Division recently went to bid for the supply and delivery of fluoride. The annual proposed contract carried the option of two, one-year extensions at the mutual agreement of the parties. Additionally, a one-time economic adjustment is allowed for each one-year extension not to exceed the published Chicago Area Consumer Price Index (CPI) for the previous 12-month period. The Alexander Company is the currently supplier to the Utility Division.

On October 2, 2022, the City of DeKalb publicly opened two bids for the purchase and delivery of fluoride for the City's five water treatment plants.

Bid Tabulation

Company Name	Bid Price (per pound)
Water Solutions Unlimited	\$0.48
Alexander Company	\$0.559

Accepting the low bid by Water Solutions Unlimited in the amount of \$0.48 per pound will result in an increase of approximately \$574 annually when compared to the current price of fluoride.

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

L. ORDINANCES – SECOND READING

1. Ordinance 2022-028 Revoking Ordinance 2012-070 Providing a Special Use Permit for a Vehicle Salvage Yard Located at 1008 Oak Street (DeKalb Iron and Metal Company (DIMCO)).

City Manager's Summary: At the last regular Council meeting of September 26, the Council postponed action on Ordinance 2022-028 on second reading because progress in the crushing and compacting of vehicles in the DIMCO yard at 1008 Oak Street had been substantial. At this writing, nearly all of the vehicles present when the Council first considered Ordinance 2022-028 on June 27 have been crushed. However, few if any of the compacted vehicle remains or "cubes" have been trucked from the site for recycling; they are stacked like cord wood on the site. Additionally, none of the high piles of re-bar have been removed for further salvage elsewhere. This means that the owner is still in violation of the special use

permit of 2012, which allowed only limited storage, decommissioning, flattening, and shipping of used vehicles for recycling purposes.

The City staff recommend the revocation of the original special use permit and the negotiation of new terms for a special use to be defined cooperatively by the current owner and City. In the meantime, the shipping of the crushed vehicles can be a pre-condition for any future special use permit the Council may consider. The staff further recommend that any additional "importing" of used vehicles or other materials (including re-bar and scrap) to the site at 1008 Oak Street should be considered a nuisance and subject to a fine of up to \$500 for each offense, as prescribed in Chapter 12 of the Municipal Code.

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

2. Ordinance 2022-051 Amending Chapter 10 "Landlord-Tenant Regulations" as it Pertains to the Crime Free Housing Provisions.

City Manager's Summary: Since a new crime free housing initiative was circulated for public review in mid-September, the City Council considered the measure in detail on September 26 and, again, as Ordinance 2022-051 on first reading on October 10. Since the last Council meeting, further discussion has ensued with representatives of the DeKalb Area Rental Association (DARA) and a variety of not-for-profit agencies across the northern Illinois region. The attached Ordinance 2022-051 is substantially the same as the ordinance draft considered and unanimously supported by the Council on October 10. However, some phrases have been revised to sharpen the intent of the proposed ordinance for the benefit of those might have been confused by the initial language. **Any sentence or paragraph that has been revised since the original draft was presented on September 26 has been highlighted in yellow in the final draft attached to this Agenda packet.**

Several issues that have generated energetic debate in recent weeks are (1) whether or not it was the City's intent to discriminate against persons on the basis of an arrest record, or (2) whether or not it was the City's intent to discriminate against victims of crimes, including domestic and sexual violence. Despite the resounding "no" offered in each case by the City Attorney and City staff, and the actual language of earlier ordinance drafts, misinterpretation continued. Accordingly, in collaborative work sessions involving City staff and the DARA leadership during the week of October 10-14, and in conversation between that DARA leadership and key representatives of concerned realtor and advocacy groups, some timely wordsmithing has been achieved which clarifies the following:

- a) The City does not require any evictions. A landlord's initiative to begin eviction proceedings in the district court in response to a pattern of unlawful activity in a rental unit rests on the terms of the crime-free lease entered willingly by tenant and landlord. This model lease has been required by local codes since 2013 (Section 10.10,c).
- b) As the Illinois Human Rights Act states, a prior arrest record cannot be used in landlord screenings of potential tenants. A felonious or unlawful act committed by a tenant who is a responsible party to the City's crime-free lease may trigger a Landlord's eviction action without violating the Human Rights Act (see Section 3-102.5 of the IHRA).
- c) A Tenant may not be retaliated against nor evicted when merely a victim of unlawful activity. Further, no Tenant may be evicted because of any complaint or testimony about an alleged occurrence of unlawful activity. Any landlord or agent violating this stricture is

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subject to a mandatory minimum fine of \$1,000 and such further relief to make whole any victim of the retaliation (Section 10.17,h).

- d) Nothing in the proposed ordinance is intended to cover police calls related to domestic violence, sexual violence, crime victims, child abuse, or calls from disabled individuals, or calls on behalf of an individual in need of police services (Section 10.17,a).

City Council approval of the attached ordinance on second reading is recommended.
[\(click here for additional information\)](#)

M. ORDINANCES – FIRST READING

1. Ordinance 2022-055 Amending Chapter 52 “Offenses Against Public Peace – Safety and Morals” as it Pertains to Crime Free Housing Provisions.

City Manager’s Summary: The attached ordinance amends Chapter 52 in light of the revisions in the Crime-Free Housing Program described in Chapter 10 (see above). The following changes are proposed:

- Deletion of the “Chronic Disorderly House” provisions in Section 52.06, (c);
- Retention of the “Criminal Housing Management” provisions of Section 52.05, (a) and (b) which refer to physical building conditions which fall under the enforcement of the City’s Building Department.

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

2. Ordinance 2022-056 Amending Chapter 18 “Dogs and Other Animals”, Section 18.04 “Impoundment”, to Increase the Fees for Impoundment.

City Manager’s Summary: Police Officers routinely pick up stray animals and attempt to locate their owners. When an owner is not known, the Police Department will either turn over the animal to the DeKalb County Animal Control office or impound the animal for pickup by either the owner or Animal Control at a later time. The Police Department typically impounds animals for 72 hours or more to screen for illness or disease before they are eligible for release to the County or rescue agencies. The Police Department recently installed a pair of kennels to better serve this purpose and provides the food and care of impounded animals until their release.

The City’s current fees outlined in Ordinance 18.04(e) have not been updated for 32 years. This proposed ordinance would update the fees from the 1990 amounts which include a \$15 pickup charge and a \$3 per day service charge. The proposed fees would match the current DeKalb County Animal Control fees which include a \$50 pickup fee and a \$10 per day service charge.

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

3. Ordinance 2022-057 Amending Chapter 36 “Amusements”, Section 36.01 “Amusement Devices”, to Prohibit the Operation of Electronic Product Promotion Kiosks.

City Manager’s Summary: At the last regular City Council meeting of October 10, the Council considered electronic product promotion kiosks and whether or not it was in the public interest to license their introduction and use in the City of DeKalb. The Council unanimously concluded that such kiosks represent a form of gaming and gambling, which was not acceptable. Accordingly, the attached ordinance specifically prohibits such devices in businesses within the City of DeKalb.

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

4. Ordinance 2022-058 Amending Chapter 38 “Intoxicating Liquors”, Section 38.27 “Gambling Devices”, to Prohibit the Presence or Operation of Electronic Product Promotion Kiosks.

City Manager’s Summary: The attached ordinance specifically prohibits the introduction or use of electronic product promotion kiosks in licensed liquor establishments within the City of DeKalb.

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

5. Ordinance 2022-059 Approving a Special Use Permit for an Amusement Establishment (Cyber and Esports Café) at 901 Lucinda Avenue (4Willz LLC Represented by William Williams).

City Manager’s Summary: As Planning Director Dan Olson writes in his background memorandum, the petitioner, 4Willz LLC represented by William Williams, has requested approval of a special use permit for an amusement establishment (cyber and e-sports café). The location is tenant space 901-E at the Village Commons Bookstore building at 901 Lucinda Avenue. The tenant space is 2,144 square feet and located near the middle of the lower level. The proposed use provides sporting competition through video games. “E-sports” often take the form of organized, multiplayer video game competitions, between individuals or teams. The space will initially feature between 30 and 40 computers and game consoles. The hours of operation will be 6:00 p.m. to 2:00 a.m., Thursday and Friday, 10:00 a.m. to 2:00 a.m. on Saturday, and 11:00 a.m. to 11:00 p.m. on Sunday. From Monday through Wednesday, the space will be reserved for appointments, tournaments, and special events. The business will offer non-alcoholic beverages and snacks. Adequate parking is provided to the east and north of the building. The applicant will also be required to apply for and maintain an Amusement Facility license.

On October 17, the Planning and Zoning Commission held a public hearing on the special use request and by a vote of 4-0 recommended Council approval of the request. **City Council approval of the Planning and Zoning Commission recommendation is requested.** ([click here for additional information](#))

6. Ordinance 2022-060 Approving a Preliminary and Final Plat of the DeKalb County Nursing Home Subdivision and Approval of an Amendment to Ordinance 2019-003 to Amend the Interior Lot Line Setbacks Between the DeKalb County Nursing Home and THE DeKalb County Health Department Located at 2550 and 2600 N. Annie Glidden Road (DeKalb County).

City Manager's Summary: The applicant, DeKalb County, is requesting approval of a Preliminary and Final Plat for the DeKalb County Nursing Home Subdivision and an approval of an amendment to Ordinance 2019-003 to remove the interior lot line setbacks between the DeKalb County Rehab and Nursing Center and the DeKalb County Health Department. The purpose of the request is to re-subdivide the DeKalb County Health Facilities Subdivision to create separate lots for the Nursing Home and Health Department. Ordinance 2019-003 approved an amendment to the original 1998 Ordinance for the campus to allow for an addition to the Nursing Home.

The background material from DeKalb County indicates the County Board has entered into a letter of intent to sell the DeKalb County Rehab and Nursing Center. As part of the sale process, the Rehab and Nursing Center building needs to be subdivided from the Health Department building and the rest of the County Campus. The subdivision plat shows a proposed lot line running through a small corridor connecting the Health Department and Nursing Home areas. The building setback between the proposed lots 1 and 2 needs to be removed to prevent the building from violating the setbacks in Ordinance 2019-003 and the City's Unified Development Ordinance (UDO).

The staff has reviewed the Plat and there are comments relating to the multi-use path along the north side of the site, and the private sanitary sewer lines over the proposed Lot 2. Planning Director Olson recommends the dedication of the multi-use path in a public easement with language that it may not be removed or altered without written authorization from the City. In addition, a blanket access easement is also needed for the benefit of the proposed Lot 2 (Nursing Home) over Lot 1 (Health Department). Finally, the Kishwaukee Water Reclamation District is requesting easements over the sanitary sewer lines on Lot 2 and has indicated that an investigation of the sewers is needed to check the condition of them before taking over the maintenance. The applicant has noted the easements will be provided under separate cover. The City staff have asked that the KWRD comments be addressed prior to the recording of the Final Plat.

The Planning and Zoning Commission held a hearing on the proposed requests on October 17 and by a vote of 4-0 recommended City Council approval of (a) the Preliminary Plat of the DeKalb County Nursing Home Subdivision dated 8-27-22; (b) the Final Plat of the DeKalb County Nursing Home Subdivision dated 9-8-22 labeled as Exhibit A of the staff report; (c) an amendment to Ordinance 2019-003 to remove the interior lot line setbacks between Lots 1 and 2 for the property located at 2550 and 2600 N. Annie Glidden Road; and (d) any other amendments to allow for the sale of the Nursing Home property, subject to staff comments related to easements on the Final Plat prior to recording.

City Council approval of the Planning and Zoning Commission 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 the Sale or Lease of Real Property as Provided for in 5 ILCS 120/2(c)(6).**

P. ADJOURNMENT

[REGULAR AGENDA PACKET – OCTOBER 24, 2022](#)

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