



**DEKALB CITY COUNCIL AGENDA
OCTOBER 28, 2019**

DeKalb Municipal Building
City Council Chambers
Second Floor
200 S. Fourth Street
DeKalb, Illinois 60115

**REGULAR CITY COUNCIL MEETING
6:00 P.M.**

A. CALL TO ORDER AND ROLL CALL

B. PLEDGE OF ALLEGIANCE

- 1. Flag Ceremony by the Gideon Court Girl Scout Troop 40111.**

C. APPROVAL OF THE AGENDA

D. PUBLIC PARTICIPATION

E. PRESENTATIONS

- 1. Promotion of Ryan Wilkens to Police Sergeant.**

City Manager Summary: With the retirement of Sergeant Jim Haacker, Patrol Officer Ryan Wilkens will be promoted to the rank of Sergeant. Ryan is originally from Schaumburg where he grew up with his parents Kevin and Tina along with sister Rachel. Ryan graduated from Conant High School in Hoffman Estates and attended Western Illinois University where he studied Law Enforcement and Justice Administration. Ryan was initially hired by the Glen Ellyn Police department where he served about 3-½ years, and was then hired by the DeKalb Police Department in 2011 where he has been a productive team-player on our force. In addition to his patrol duties, Ryan has served as a Field Training Officer, Range Instructor, and is a member of our county-wide Special Operations Team, which responds to critical incidents throughout DeKalb County. Ryan is a highly motivated, intelligent, and driven Police officer who is a welcome addition to our supervisory staff.

Assistive services available upon request.

Hearing assistance devices are available in the Information & Technology Office, which is located to the right, just before entering Council Chambers.

2. Kishwaukee YMCA – Camp Power FY2019 Human Services Funding Report by Development Director Sheridan Ernst.

City Manager Summary: Kishwaukee YMCA was granted \$9,000 in funding in FY2018 and \$12,000 in funding in FY2019 to perform various services in behalf of Camp Power.

F. APPOINTMENTS

None.

G. CONSENT AGENDA

1. [Minutes of the Regular City Council Meeting of October 14, 2019.](#)
2. [Accounts Payable and Payroll through October 28, 2019 in the Amount of \\$4,365,350.12.](#)
3. [Investment and Bank Balance Summary through August 2019.](#)
4. [Year-to-Date Revenues and Expenditures through August 2019.](#)
5. [Freedom of Information Act \(FOIA\) Report – September 2019.](#)
6. **FY2019 Human Services Funding Third Quarter Report.**

City Manager Summary: Each agency approved for Human Services Funding is required to submit a quarterly report prior to disbursement of the City's quarterly support payment. Quarterly reports are due on the 10th of the month following the end of each quarter. The required report must include a brief description of activities undertaken with City funds, the number of DeKalb residents served, the total number of clients served, and other agency revenues received. Community Services Coordinator Joanne Rouse has compiled these quarterly reports for the Council's review. ([Click here for further information](#))

H. PUBLIC HEARINGS

1. **Public Hearing Regarding a First Amendment to an Annexation Agreement for the Property Located Between Route 23, Gurler Road, Crego Road and I-88 (DeKalb 343, LLC).**

City Manager Summary: A food manufacturing and distribution company is interested in developing a portion of the 343-acre Chicago West Business Center property located between Route 23, Gurler Road, Crego Road and I-88. If the site is chosen, the company would like to construct the first phase of the project, which includes a 1,222,400 square foot food distribution center and

a 466,560 square foot packing center on approximately 106 acres in the central portion of the 343-acre site. The distribution building will be constructed in Phase I, with the manufacturing portion developed in Phase II, which is expected to follow closely. The distribution facility building is slated to be first occupied by the end of 2020. The name of the company cannot be identified at this time.

For some months, the property owner, DeKalb 343, LLC, represented by Jerry Krusinski of the Krusinski Construction Company, and the City have been working with the food distribution company, the State of Illinois, the DeKalb County Economic Development Corporation, and other government agencies to bring this project to the site. The site layout, utility extensions, stormwater management, access, road improvements, incentives, and the impact on neighboring property owners have all been considered. The proposed incentive package includes, but is not limited to, property tax abatements, financial assistance in looping the water main, grants from the Illinois Department of Transportation (IDOT) for roadway improvements, and incentives through the DeKalb County Enterprise Zone. It should be noted that the annexation agreement has language stating that the City and developer shall, in good faith and utilizing best efforts, consider mutually agreeable incentives for the development of the site.

The 1,222,400 square foot food distribution center will be temperature controlled and operate in multiple shifts. It is anticipated that 1,000 jobs will be created upon full buildout. An additional one million square feet of production facilities will be constructed in the next few years to the northeast of the first two buildings if the location is approved. The property containing the distribution facility (Building #1) will have two employee/visitor access points onto Gurler Road and a separate gated truck traffic access off Gurler. There are 450 employee and visitor parking spaces proposed for multiple shifts and plans for 216 trailer stalls. The building will have 90 exterior truck docks on the west side and 85 docks on the east side. The 466,560 square foot packing center (Building #2) will have 400 parking stalls with two access points to Gurler Road and 42 trailer stalls initially.

The property in question has been annexed and zoned since 2006. On December 11, 2006, the City Council approved an annexation agreement ([Ordinance 2006-107](#)) to annex and rezone the 343 acre property bounded by Route 23, Gurler Road, Crego Road and I-88 to the "PD-I" Planned Development Industrial District and to the "PD-C" Planned Development Commercial District. The agreement authorized "PD-I" zoning for about 320 acres and "PD-C" zoning for approximately 23 acres along Route 23. A concept plan was approved as part of the agreement and provided for approximately 4.3 million square feet of new industrial buildings, a 16-acre site for smaller office buildings, a 20-acre site for a shopping center, six commercial outlots, and 24 acres of storm water retention ponds. The annexation agreement also

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provided a list of the allowed uses in the “PD-I” area, which included the permitted uses in the “LC” Light Commercial District and the “ORI” Office, Research, Light Industrial uses. Manufacturing uses, warehousing and Distribution facilities are permitted uses in the “ORI” District and therefore a permitted use on the subject site. Retail and office uses with access to Route 23 were contemplated along Route 23 in 2006 but are not involved in the new development plan. The existing agreement also had provisions concerning development standards such as setbacks, height restrictions, site coverage, parking standards, landscaping, signage and other development guidelines.

[Ordinance 2006-109](#) was also approved on December 11, 2006 and granted the “PD-I” and “PD-C” zoning as dictated in the annexation agreement. The ordinance approved a Preliminary Plan and Preliminary Plat for the site. The Plan and Plat indicated a total of 14 lots, with six lots adjacent to Route 23 for commercial/retail uses and eight lots for larger warehouse/distribution and industrial uses. A lot for stormwater detention was also provided in the northwest portion of the property. The approved plan and plat indicated an east-west public street and three north-south public streets to service the future uses.

The proposed site plan (attached) for the 106 acres indicates different building layouts, roadways and access points than what was approved in the 2006 ordinance, therefore an amendment is required.

The intent of the applicant is to amend Ordinances 2006-107 and 2006-109 as they relate to the 106 acres to include the 1,222,400 square distribution facility and the 466,560 square foot packing center. The applicant intends to come back and propose amendments for the entire 343-acre site at a later time as additional uses are more carefully conceived. The petitioner requests approval of an amended preliminary plan for the 106 acres and an amended concept plan for the entire 343-acre site. Approval of the architectural elevations for the distribution facility is also requested.

Public comment is welcome. ([Click here for further information](#))

I. CONSIDERATIONS

1. Consideration of a Draft Schedule for the Council’s Review of the FY2020 City Budget.

City Manager Summary: After consultation with the Finance Advisory Committee, the following schedule is proposed for the Council’s public consideration of the proposed FY2020 City Budget:

- **October 28, 2019.** Council consideration of property tax levy options and capital funding.

- **November 12, 2019** (*November 11, Veteran's Day, is a City holiday*). Council resolution establishing a Truth in Taxation Hearing for November 25.
- **November 18-19, 2019.** Back-to-back Special Council meetings in joint session with the Finance Advisory Committee to go over the Proposed FY2020 Budget Document. The General Fund departments will be the focus on November 18; the Capital, Enterprise and Special Funds will be the focus on November 19.
- **November 25, 2019.** Truth in Taxation Hearing. Budget Hearing. First Reading on Proposed FY2020 City Budget.
- **December 9, 2019.** Second Reading on Proposed FY2020 City Budget.
- **December 31, 2019.** Last day to file FY2020 Annual Budget and Property Tax Levy with the DeKalb County Clerk.
- **January 1, 2020.** Fiscal Year 2020 begins.

City Council direction is requested.

2. Consideration of a Waiver of City Impact Fees for Attached Single Family Townhomes in the Wineberry Subdivision.

City Manager Summary: Jared Croslow has requested consideration of a waiver of the City's water and transportation impact fees on attached, single-family homes (see attachment). Mr. Wineberry's note references the Council's action of July, 2017 ([Ordinance 2017-032](#)), which waived City water and transportation impact fees for the first one-hundred (100) new construction permits issued for single-family, detached residential lots that existed as of January 1, 2017, in the Knolls, Rivermist, Devonaire, Wineberry, Summit Enclave, South Pointe Greens, Meadow Ridge, and Hidden Grove subdivisions. The water impact fee is about \$2,443 for a single-family home, and the transportation fee is \$250. At the same time as the Council's action, the DeKalb School District No. 428 waived its impact fees for the first 100 single-family detached homes in the same subdivisions. The School District waiver will expire on December 31, 2020 unless extended by the School Board.

The purpose of the impact fee waivers was to stimulate new housing construction in a very slow DeKalb market. In the two years since the Council's action, a total of 28 waivers have been issued. Mr. Croslow maintains that there is a market for townhouse construction at a lower price point, and that since his homes are sold in fee simple in the same manner as detached single family homes, the impact fee waiver should apply.

Mr. Croslow has three multi-family lots under contract and hopes to build 11 townhomes (two 4-units and one 3-unit). Although his interest is in the Wineberry subdivision, other townhouse projects are platted in the South Pointe Greens and River Mist subdivisions and could generate further interest in waivers. City Council direction is recommended. ([Click here for further information](#))

3. Consideration of an Additional Video-Gaming Liquor License to Address an Unforeseen and Unintended Conflict Between Petitioners.

City Manager Summary: On May 13, 2019, the Council amended the Municipal Code ([Ordinance 2019-038](#)) to allow for an increase in the fixed number of liquor licenses for video gaming establishments to 10. At the time, one of the original seven stand-alone video gaming establishments – Lacey’s Place – was looking for a license after surrendering their original license in December 2018 for failing to open.

Lacey’s did not open at the site of their preference because the building owner declined to enter a lease, which opened the door to a new interest for the 10th license. In late August, local business owner and long-time resident Pat McLean inquired about the possibility of establishing a video-gaming license at 1208 E. Lincoln Highway, where he has maintained a successful auto dealership (McLean’s Auto Station) on a commercial-zoned lot for many years. Mr. McLean is retiring and closing his dealership but wants to create a new business at the location for his family to operate. He has worked with City staff for almost two months and engaged an architect to create plans for the conversion of his dealership’s office.

The unforeseen and unintended dilemma is this: without detailed criteria established to determine how one applies for “the last” opening, there was no objective way to determine where the starting gate is for the open competition, or how one can get to the finish line first in a fair race. Currently, we have two petitioners working on parallel tracks, both in good faith, for one available video-gaming liquor license. As Lacey’s prepares to appear before the Planning and Zoning Commission on November 6 for a rezoning, Mr. McLean could just as easily appear before the Commission on November 6 for a rezoning and possibly beat Lacey’s to an approved building permit based on detailed plans. Neither petitioner has erred; both are legitimate contenders for the final license as it now stands.

The City Manager recommends the following option to resolve this dilemma in the short run, with a longer-term solution in sight. The option is as follows:

1. Amend the Code to allow for one additional (11th) license until one of the existing licenses allows for the reduction to 10, assuming the Council wants to stay with 10 licenses over time. Given the history of such license – two

vendors initially failed to open in the past two years – we are likely to see the opportunity to restore the limit of 10 in due course.

2. Task the City Manager to require a new, detailed application with a reasonable sunset clause (e.g. 90 days) and ensure that if fewer than 10 licenses exist, no more than one application can be processed for each available license at the same time.

City Council support for the foregoing option is recommended. If the Council concurs, the City Manager will bring a proposed ordinance revision back to the Council at the November 12 meeting.

J. RESOLUTIONS

1. **Resolution 2019-145 Authorizing the Sale of Real Property Located at 822 E. Lincoln Highway (PIN 08-23-336-006) in the Amount of \$12,500.**

City Manager Summary: On August 12, the Council authorized the City Manager to list a number of City-owned parcels for sale ([Resolution 2019-122](#)). The City Manager was authorized to enter into an agreement with a properly licensed real estate broker based on a contingency fee agreement for the marketing and listing of these city-owned properties. All listings were to be advertised through the MLS system to afford access to any interested broker. The Council further restricted any contingency fee agreement to a fee not exceeding five percent (5%) if any city property is sold through the broker without another real estate broker involved, or not exceeding six percent (6%) if sold with the involvement of a second brokerage firm.

The listing agreements were signed with Miller Real Estate on August 15. Since that time, the City Council has authorized the sale of a fragment of land along the Kishwaukee River near N. First Street to Robert Carlson in the amount of \$800.00 (August 16), the sale of a commercially-zoned City property at the southeast corner of N. First Street and Locust Street to Plaza DeKalb, LLC for the list price of \$119,500 (September 9), and the sale of the vacant food and fuel service station at 1101 N. First Street to Kumar Chaudhary in the amount of \$80,000.

One other City parcel authorized for sale on August 12 has recently received interest – the small and narrow residentially-zoned parcel at 822 E. Lincoln Highway. The interested party, Kelly Diehl, has offered to purchase the City lot for \$12,500. He has visited with Principal Planner Dan Olson and is considering several compatible zoning options for its use.

City Council approval is recommended. ([Click here for further information](#))

2. Resolution 2019-146 Amending the Property Tax Abatement Qualifying Criteria and Definitions in the DeKalb County Enterprise Zone.

City Manager Summary: The DeKalb County Enterprise Zone provides a pre-approved package of local and state incentives including a 10-year property tax abatement involving most County taxing bodies, a state sales tax exemption on building materials used in construction, state investment tax credits, and a state utility tax exemption on open-market gas purchases. The DeKalb County Enterprise Zone was certified by the Illinois Department of Commerce and Economic Opportunity to begin operations on January 1, 2016 and the City of DeKalb was one of the original signees.

The Enterprise Zone's charter enables participating taxing bodies to amend the terms as changing conditions merit. The attached, redlined version identifies amendments which were approved by the Zone's Advisory Board on September 19. The Advisory Committee consists of representatives from all participating taxing bodies. City Council concurrence is recommended for the following changes:

- A broadening of the definition of "Logistics Companies" to include "Data Centers."
- The addition of Northern Illinois University research parks to be developed on the West Campus as eligible for the Zone's incentive package where private investment results in an increase in assessed valuation.
- In the event an industrial-based or knowledge-based company locates in a building developed as a speculative venture, the employment thresholds may be extended from two to four years, if approved by the Enterprise Zone Advisory Board.

The DeKalb County Board unanimously approved a similar resolution on October 16. **City Council approval is recommended.** ([Click here for further information](#))

3. Resolution 2019-147 Authorizing a Waiver of Competitive Bidding and Payment to Foster & Foster, Inc. in the Amount of \$20,062 for Fiscal Year 2019 Actuarial Services.

City Manager Summary: The City employs the services of a professional actuary for the preparation of certain documents and reports related to the City's Fire and Police Pension Funds, as well as the City's Retiree Health Insurance Plan. In 2016, the City Manager signed an agreement for actuarial services with Foster & Foster, Inc. At the time, the costs associated with that agreement fell within the City Manager's spending authority; however, the cost for FY2019 actuarial services will slightly exceed \$20,000 due to an annual 3% contractual increase. In order to conform to the City's Purchasing Policy, this

expenditure must now be brought before the City Council for consideration and approval.

The following table details the City’s costs over the life of the agreement:

	<u>FY16</u>	<u>FY16.5</u>	<u>FY17</u>	<u>FY18</u>	<u>FY19</u>
Retiree Health	6,000.00	1,000.00	6,180.00	6,365.00	6,555.95
Fire Pension	6,000.00	6,180.00	6,365.00	6,556.00	6,752.68
Police Pension	6,000.00	6,180.00	6,365.00	6,556.00	6,752.68
Total	18,000.00	13,360.00	18,910.00	19,477.00	20,061.31

This expenditure is included in the City’s annual budget. The costs associated with the Fire and Police Pension funds are shared equally between those funds and the City’s General Fund. The cost associated with the retiree health insurance plan is a General Fund expenditure.

City Council approval is recommended. ([Click here for further information](#))

K. ORDINANCES – SECOND READING

None.

L. ORDINANCES – FIRST READING

- 1. Ordinance 2019-069 Amending Chapter 23 “Unified Development Ordinance”, Article 5 “Zoning District Regulations”, and Article 7 “Supplementary District Regulations” of the City of Dekalb, Illinois Municipal Code as it Pertains to Adult Use Cannabis.**

City Manager Summary: The attached ordinance is based upon guidance offered by the public and the City Council in August and September. The principal features of the ordinance are as follows:

- a. The term “Cannabis Business Establishment” is created and covers both medical and recreational cannabis dispensaries.
- b. Cannabis Business Establishments are proposed to be a special use in the “LC” Light Commercial, “GC” General Commercial, and “LI” Light Industrial Zoning Districts. It was initially discussed with the Council that dispensaries would be a permitted use in the “LC” and “GC” Districts; however, the State

legislation only allows time/place/manner restrictions for cannabis uses so long as they are special uses.

- c. Establishes a 250-foot setback to schools, day care centers, nursery schools, pre-schools and academic buildings or residence halls at NIU. It also establishes a 250-foot setback to residential-zoned property.
- d. A minimum separation of 1,500 feet between cannabis dispensaries is established, per the State Act.
- e. Removes the requirement that dispensaries must be in stand-alone buildings and would allow them in multi-tenant commercial buildings.
- f. Allows signage as for any commercial use.
- g. Maintains the current language that no drive-through dispensaries are allowed.
- h. Smoking within a dispensary will not be allowed.
- i. Deliveries of product may occur as with any commercial establishment.
- j. A limit of five dispensaries is proposed. The State law has an overall limit of 500 dispensaries statewide so it is unlikely the City would be able to have more than five. The Illinois Department of Financial and Professional Regulations announced on October 1, 2019 that applications for adult use cannabis dispensing organizations will be accepted starting December 10, 2019 through January 2, 2020. A total of 75 licenses dispensing organizations will be issued statewide by May 1, 2020. The geographical area where DeKalb County is located (10 counties in North Central and Northwest Illinois) will only get three licenses in the near term.
- k. The State Act has an operation limitation of 6:00 a.m. to 10:00 p.m. for dispensaries and the City cannot be less restrictive.
- l. The State Act regulates the placement of cannabis-related advertising within 1,000 feet of several sensitive uses (e.g. schools, parks), so language was added to cover that item.
- m. Public health and safety standards including camera surveillance were maintained from the current (2015) regulations for medical cannabis and extended to cover recreational cannabis dispensaries.
- n. Adult-Use Cannabis Craft Gower, Cultivation Center, Infuser, Processor, Transporter and Medical Cannabis Cultivation Centers will be prohibited.

The Planning and Zoning Commission conducted a public hearing on the proposed changes on October 9. Three residents spoke at the hearing regarding the matter, all in support of the establishment of recreational and medical cannabis dispensaries. By a vote of 4 to 1 (Commissioner Klein voted no, and Commissioner Maxwell was absent), the Planning & Zoning Commission recommended the Council's approval of the proposed amendments. The majority of the Commission believed the proposed regulations were appropriate and offered adequate protection for the general public. Commissioner Klein objected to the legalization of cannabis in the State.

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

- 2. Ordinance 2019-070 Amending Ordinance 2006-107 and Ordinance 2006-109 to Accommodate an Approximately 1,222,400 Square Foot Food Distribution Center and a 466,560 Square Foot Food Packaging Center for Property Located Between Route 23, Gurler Road, Crego Road and I-88 (Chicago West Business Center – DeKalb 343, LLC).**

City Manager Summary: As noted in the "Public Hearing" portion of this Agenda, a food manufacturing and distribution company is interested in developing a portion of the 343-acre Chicago West Business Center property located between Route 23, Gurler Road, Crego Road and I-88. If the site is chosen, the company would like to construct the first phase of the project, which includes a 1,222,400 square foot food distribution center and a 466,560 square foot packing center on approximately 106 acres in the central portion of the 343-acre site. The distribution building will be constructed in Phase I, with the manufacturing portion developed in Phase II, which is expected to follow closely. The distribution facility building is slated to be first occupied by the end of 2020. The name of the company cannot be identified at this time.

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The proposed site plan (attached) for the 106 acres indicates different building layouts, roadways and access points than what was approved in the 2006 ordinance, therefore an amendment is required.

The intent of the applicant is to amend Ordinances 2006-107 and 2006-109 as they relate to the 106 acres to include the 1,222,400 square distribution facility and the 466,560 square foot packing center. The applicant intends to come back and propose amendments for the entire 343-acre site at a later time as additional uses are more carefully conceived. The petitioner requests approval of an amended preliminary plan for the 106 acres and an amended concept plan for the entire 343-acre site. Approval of the architectural elevations for the distribution facility is also requested.

The Planning & Zoning Commission held a public hearing on the proposed amendment to the 2006 ordinances and the preliminary plan on October 23. By a unanimous vote of 6-0 (Commissioner Maxwell was absent), the Commission recommended the Council's approval of the amendment to the original annexation agreement and preliminary plan to align with the proposed layout and intended use.

City Council approval is recommended. Because of the Planning & Zoning Commission's unanimous vote and the petitioner's request for a waiver of second reading (see attached), the City Manager requests Council action on first and second reading. ([Click here for further information](#))

M. REPORTS AND COMMUNICATIONS

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

N. EXECUTIVE SESSION

Approval to Hold an Executive Session in Order to Discuss:

- 1. Purchase or Lease of Real Property as Provided for in 5 ILCS 120/2(c)(5); and**
- 2. Pending or Imminent Litigation as Provided for in 5 ILCS 120/2(c)(11).**

O. ADJOURNMENT

[FULL AGENDA PACKET](#)

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