

## MINUTES

### COMMITTEE OF THE WHOLE MEETING OF CITY COUNCIL

#### CITY OF DEKALB

August 13, 2012

The City Council of DeKalb, Illinois held a Committee of the Whole Meeting on Monday, August 13, 2012 in the City Council Chambers of the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois.

Mayor Povlsen called the meeting to order at 6:00 p.m.

#### **A. ROLL CALL:**

City Clerk Wright called the roll and the following members of City Council were present: Alderman David Jacobson (arrived at 6:09 p.m.), Alderman Tom Teresinski (arrived at 6:46 p.m.), Alderman Kristen Lash, Alderman Brendon Gallagher, Alderman Ronald Naylor, Alderman David Baker, Alderman Monica O'Leary, and Mayor Kris Povlsen.

Also present were: Mark Biernacki, City Manager; Dean Frieders, City Attorney, Gene Lowery, Police Chief; Eric Hicks, Fire Chief, Mark Lovell, I&T Technician; and Diane Wright, City Clerk.

#### **B. ITEMS ALSO ON THE REGULAR MEETING AGENDA:**

None.

#### **C. CONSIDERATIONS:**

##### **1) CONSIDERATION OF POLICE DEPARTMENT AND FIRE DEPARTMENT REORGANIZATIONS.**

Chief Hicks provided a history of the staffing of the Fire Department and noted that the Fire Department began reorganization in 2008 due to the economic downturn. He noted that the administrative staff is the same number of six as it was in 1994. He proposed a current reorganization which would include the addition of a Deputy Chief, removal of one Assistant Fire Chief and conversion of a union position to the Assistant Chief. He explained the duties of the positions in the proposal which will also implement a succession plan administratively and assist with leadership in the department. He added that this will save money in the department's budget.

Ald. Jacobson arrived at 6:09 p.m.

Mr. Frieders explained the legal aspects under the Illinois law regarding conditions and criteria for the promotions as they relate to the union.

Chief Lowery next explained the proposed reorganization of the Police Department. He pointed out that based on data received, it is evident DeKalb is facing a serious crime problem. He gave comparison data with six (6) cities that have major universities. Also, he said, the DeKalb Police Department has the lowest number of officers per 1,000 residents and maintains the highest number of calls per officer.

Chief Lowery presented his proposal to address the needs of the community which includes seven (7) positions. He noted that the additional \$15,000 can be absorbed in the Department's budget. He added that the Union approves the changes and concurs that two (2) members of the bargaining unit can be removed. The proposal includes the administrative officers having the opportunity to maintain a presence in the streets. Chief Lowery stated the proposal will enhance leadership development and include a succession plan. He noted that the relationship with NIU Police has been enhanced and he will continue this relationship.

Chief Lowery stated that proactive measures include: warrant sweeps, plans to "co-police" with the DeKalb County Sheriff and other police departments, implement the Resident Officer program in September, instigate the victim advocacy program, meet with NIU student association regarding "Not on our Campus" program, and use of social media. Additionally, he said, he would like to reinstate the canine program.

#### MOTION

Ald. Gallagher moved to approve the Fire Department and Police Department reorganization plans and directed staff to move forward; seconded by Ald. Lash. Motion carried on voice vote. Mayor Povlsen declared the motion passed.

### **2) CONSIDERATION OF AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF DEKALB, ILLINOIS, CHAPTER 38, "LIQUOR" CODE REVISIONS.**

Mayor Povlsen acknowledged that many find Chapter 38 to be complicated. He added that the City wants to support local businesses and Mr. Frieders, Ald. Gallagher and he have met regarding amendments to the code.

Mr. Frieders stated that staff will be presenting recommendations for Council's consideration. He also acknowledged that the current liquor code is complicated and difficult to administer. The goal is said, is to have regulations that are business friendly, and have a more efficient process of liquor applications. He pointed out there are currently twenty-one (21) different liquor classifications in DeKalb; Chicago has nine (9).

Ald. Teresinski arrived at 6:46 p.m.

Mr. Frieders stated that the proposal would be to have licenses that mirror the state application, with a high initial application fee, and an annual renewal that certifies no changes. He presented a proposal of the classifications which include: 1) package liquor store whose primary business is the sale of alcohol for those 21 years of age or older; 2) grocery/drug store whose primary business is non-alcohol food and related products or retail sale plus pharmacy; 3) bars whose primary business is the sale of alcohol to be consumed on premises with or without food for those 21 years of age or older; 4) restaurants who sell alcohol on premises which must be sold

with food; this would have two sub-categories: full service alcohol and low service (beer and wine); 5) hospitality which includes hotels, banquet and bowling alleys; 6) public entity which includes non-profit organizations with an agreement that covers specific licensing; 7) convenience stores which include low alcohol sales and not consumed on premises; and 8) Bring Your Own Bottle (BYOB) for any establishment to allow patrons to bring their alcohol to be consumed on premise. He noted that supplemental licenses would include: 1) special events (only available to existing licenses); 2) outdoor seating; 3) samplings; 4) non-profit. Some licenses, he said, would have multiple licenses for their establishments.

Mr. Frieders stated the recommendations include the application process, administrative process for violations and the role of the Liquor Commission. He added that all the items will be brought for Council discussion and consideration.

Mayor Povlsen added that there will be a minimum of five (5) meetings to discuss these major changes. He stated that the issue will be brought before the Liquor Commission next week. Additionally, he said, the liquor establishments will be given opportunities to speak on the proposal.

#### MOTION

Ald. Lash moved to direct staff to move forward in the process with the proposals to Chapter 38; seconded by Ald. Jacobson.

Ald. Naylor stated that he supports the changes but asked that the issue be postponed until the Safe/Quality issues are finalized. Mr. Frieders stated that are options for the Council to consider on implementation and the amendments can be done in phases.

#### VOTE

Motion carried on voice vote. Mayor Povlsen declared the motion passed.

**3) CONSIDERATION OF AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF DEKALB, ILLINOIS, CHAPTER 1, "GENERAL PROVISIONS," SECTION 1.12 RELATING TO "MAIL-IN ORDINANCE VIOLATIONS" FOR THE CITY OF DEKALB.**

Not acted on in this meeting.

**4) CONSIDERATION OF AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF DEKALB, ILLINOIS, CHAPTER 9, "ESTABLISHMENT OF FEES," SECTION 9.07, "FINGERPRINT APPLICANT FEE."**

Not acted on in this meeting.

**5) APPROVAL OF A STAFF REQUEST TO HOLD A CLOSED SESSION TO DISCUSS COLLECTIVE BARGAINING AS PROVIDED FOR IN 5 ILCS 120/2(c)(2) AND PENDING LITIGATION 5 ILCS 120/2(c)(11).**

Not acted on in this meeting.

**D. ADJOURNMENT:**

**MOTION**

Ald. Jacobson moved to adjourn the meeting; seconded by Ald. Lash. Motion carried on voice vote. Mayor Povlsen declared the meeting adjourned at 7:10 p.m.

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**DIANE K. WRIGHT**, City Clerk

Approved by City Council  
August 27, 2012

## MINUTES

### REGULAR MEETING OF CITY COUNCIL

#### CITY OF DEKALB

August 13, 2012

The City Council of DeKalb, Illinois, held a regular meeting on Monday, August 13, 2012 in the Council Chambers of the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois.

Mayor Povlsen called the meeting to order at 7:15 p.m.

#### **A. ROLL CALL:**

City Clerk Wright called the roll and the following members of City Council were present: Mayor Kris Povlsen; Alderman David Jacobson. Alderman Tom Teresinski, Alderman Kristen Lash (arrived at 7:20 p.m.), Alderman Brendon Gallagher, Alderman Ronald Naylor, Alderman David Baker and Alderman Monica O'Leary.

Also present were: Mark Biernacki, City Manager; Dean Frieders, City Attorney; Gene Lowery, Police Chief, Eric Hicks, Fire Chief; T.J. Moore, Public Works Director; Joel Maurer, Assistant Director Public Works – Engineering/ Transportation; Derek Hiland, Principal Planner; Mark Lovell, I&T Technician; and Diane Wright, City Clerk.

#### **B. PLEDGE OF ALLEGIANCE:**

Ms. Emma Carpenter sang the Star Spangled Banner.

#### **C. APPROVAL OF AGENDA – ADDITIONS/DELETIONS:**

Ald. Gallagher requested that Item J.4 be discussed prior to Items J.1, 2 and 3.

Ald. Lash arrived at 7:20 p.m.

#### MOTION

Ald. Gallagher moved to approve the Agenda as amended; seconded by Ald. Jacobson. Motion carried 8-0 on roll call vote. Aye: Jacobson, Teresinski, Lash, Gallagher, Naylor, Baker, O'Leary, Povlsen. Mayor Povlsen declared the motion passed.

#### **D. SPECIAL ITEMS OR PRESENTATIONS & CITIZENS' COMMENTS:**

##### **I. SPECIAL ITEMS**

- **PROCLAMATION: CROP HUNGER WALK DAY OCTOBER 21, 2012**

Mayor Povlsen read the Proclamation declaring Crop Hunger Walk Day on October 21, 2012. Mr. Clinton Jesser accepted the Proclamation and stated last year there were over 300 walkers in

DeKalb County. He urged everyone to participate and noted that some of the money raised goes to local non-profit agencies.

- **CERTIFICATE OF RECOGNITION TO ALYSSA LOPEZ – 2012 GIRLS’ GYMNASTICS STATE CHAMPION.**

Mayor Povlsen read the Certificate of Recognition for Alyssa Lopez and presented it to her. Mayor Povlsen and Council congratulated Ms. Lopez on her accomplishment.

- **KISHWAUKEE FEST PARADE WINNERS**

Mayor Povlsen stated that this is the third year for Kishwaukee Fest and acknowledged Mike Embrey for his work in organizing it. Mr. Embrey thanked the Police, Fire and City staff for their assistance. He introduced Matt Duffy from the Chamber of Commerce, Debbie Armstrong from the DeKalb County Convention and Visitors Bureau, who, along with Mayor Povlsen presented the awards. The winners were: Miss Illinois North Suburban Pageant for Outstanding Float Outside the Area; Resource Bank for Outstanding Local Business and Boy Scout Troop 33 for Outstanding Community Float.

Next, the “Youth Got Talent” winners were introduced and presented certificates.

- **DEKALB “YOUTH GOT TALENT” WINNERS**  
**ALIYAH STARKS**  
**JULIAN GARCIA**  
**MAYA GARCIA**  
**WILL LUETKEHANS**  
**EMMA CARPENTER**  
**ISABELLA ANDERSON**  
**JOE STAFFORD**

Julian and Maya Garcia were winners in the 7-10 age group; Emma Carpenter in the 11-14 age group and Isabella Anderson in the 15-18 age group. They were present and received their awards. Additionally, Will Luetkehans, Aliyah Starks and Joe Stafford were named but unable to attend the meeting.

- **POLICE DEPARTMENT PROMOTIONS:**  
**JASON LEVERTON TO LIEUTENANT**  
**STEVE LEKKAS TO SERGEANT**

Chief Lowery announced promotions to Lieutenant Jason Leverton and Sergeant Steve Lekkas. Members of their family presented their badges. Chief Lowery congratulated Lt. Leverton and Sgt. Lekkas and thanked their families for their support.

- **DEKALB COUNTY HOSPICE ANNUAL HUMAN SERVICES FUNDING REPORT**

Ms. Karen Hagen, Director of DeKalb County Hospice presented the annual report to Council and noted that Hospice provides end of life care to people in their homes or nursing facilities.

Additionally, she said, they provide services after death to family and caregivers. She thanked Council for their support and noted that the funding helps to provide care.

## **II. APPROVAL OF MAYOR APPOINTMENTS:**

Economic Development Committee:  
Bill Finucane – Reappointment as Chair (2 Year Term)

### **MOTION**

Ald. Teresinski moved to approve the Mayoral Appointment; seconded by Ald. Gallagher. Motion carried on voice vote. Mayor Povlsen declared the motion passed.

## **III. CITIZENS' COMMENTS:**

Ms. Isabelle Kovarek of Malta, Illinois stated that sidewalks are needed for pedestrians near Edens Gardens, Suburban Estates and Annie Glidden. She added that students are crossing Annie Glidden without the use of cross-walks. Mayor Povlsen asked City Engineer, Joel Maurer to speak with Ms. Kovarek on the issue.

## **E. CONSENT AGENDA – OMNIBUS VOTE:**

### **MOTION**

Ald. Gallagher moved to approve the Consent Agenda; seconded by Ald. Lash. Motion carried 8-0 on roll call vote. Aye: Jacobson, Teresinski, Lash, Gallagher, Naylor, Baker, O'Leary, Povlsen Mayor Povlsen declared the motion passed.

### **MOTION**

Ald. Teresinski moved to approve the Consent Agenda items; seconded by Ald. Naylor. Motion carried 8-0 on roll call vote. Aye: Jacobson, Teresinski, Lash, Gallagher, Naylor, Baker, O'Leary, Povlsen Mayor Povlsen declared the motion passed.

## **1. APPROVAL OF CITY COUNCIL MINUTES:**

Committee Of The Whole: July 23, 2012  
Regular Meeting: July 23, 2012

Approved in the Consent Agenda by Omnibus Vote.

## **2. RECEIVE AND FILE:**

Airport Advisory Board Minutes: June 19, 2012  
Economic Development Committee Minutes: February 21, 2012, March 20, 2012 and June 19, 2012  
Engineering Report: July 2012

Received and filed in the Consent Agenda by Omnibus Vote.

## **3. RESOLUTION 12-96**

**AUTHORIZING THE MAYOR, CITY MANAGER, ASSISTANT CITY MANAGER, FINANCE/PURCHASING DIRECTOR AND ASSISTANT FINANCE DIRECTOR OF**

**THE CITY OF DEKALB AS AUTHORIZED SIGNATORIES FOR THE CITY'S  
FINANCIAL TRANSACTIONS.**

Approved in the Consent Agenda by Omnibus Vote.

**F. PURCHASES AND BID AWARDS:**

**1. APPROVAL TO AWARD THE PROPOSAL OF BROWN TRAFFIC PRODUCTS FOR TRAFFIC SIGNAL CONTROL EQUIPMENT AND FIBER COMPATIBILITY TO THE NEW POLICE STATION AND TO WAIVE THE REQUIREMENT FOR BIDDING.**

**MOTION**

Ald. Teresinski moved to award the proposal of Brown Traffic Products for traffic signal control equipment and fiber compatibility for the new police station and to waive the requirement for bidding; seconded by Ald. Gallagher.

Mr. Maurer provided information on the item to Council and addressed the need to waive the bid requirement.

**VOTE**

Motion carried 8-0 on roll call vote. Aye: Jacobson, Teresinski, Lash, Gallagher, Naylor, Baker, O'Leary, Povlsen Mayor Povlsen declared the motion passed.

**2. APPROVAL TO AWARD THE HOLLISTER AVENUE WATERMAIN PROJECT TO FISCHER EXCAVATING, INC. IN THE AMOUNT OF \$361,256.92 CONTINGENT UPON THE RECEIPT OF ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (EPA) APPROVAL.**

**MOTION**

Ald. Naylor moved to award the Hollister Avenue Watermain project to Fischer Excavating, Inc. in the amount of \$361,256.92 contingent upon the receipt of Illinois Environmental Protection Agency (EPA) approval; seconded by Ald. Gallagher.

Mr. Maurer advised Council that staff is taking steps in seeking an EPA grant for a 25% forgiveness of a loan which includes construction of the Watermain. He noted that the bid is 11% over the engineer's estimate.

Mr. Maurer answered questions from Council including the loan, the engineer's estimate and the EPA approval.

**VOTE**

Motion carried 8-0 on roll call vote. Aye: Jacobson, Teresinski, Lash, Gallagher, Naylor, Baker, O'Leary, Povlsen Mayor Povlsen declared the motion passed.

**3. APPROVAL TO AWARD THE KR PAN COURT TO HOLLISTER WATERMAIN LOOP PROJECT TO H. LINDEN & SONS SEWER & WATER IN THE AMOUNT OF \$104,774.00.**



MOTION

Ald. Naylor moved to award the Krpan Court to Hollister Watermain Loop project to H. Linden & Sons Sewer & Water in the amount of \$104,774.00; seconded by Ald. Teresinski. Motion carried 8-0 on roll call vote. Aye: Jacobson, Teresinski, Lash, Gallagher, Naylor, Baker, O'Leary, Povlsen Mayor Povlsen declared the motion passed.

**4. APPROVAL TO PURCHASE TWO NEW POLICE DEPARTMENT VEHICLES.**

MOTION

Ald. Lash moved to approve the purchase of two new police department vehicles; seconded by Ald. O'Leary.

Chief Lowery advised Council that the vehicles being replaced have high mileage. He added that some of the funds will come from forfeiture and drug seizures and some funds will come from the budget.

VOTE

Motion carried 8-0 on roll call vote. Aye: Jacobson, Teresinski, Lash, Gallagher, Naylor, Baker, O'Leary, Povlsen Mayor Povlsen declared the motion passed.

**G. PUBLIC HEARINGS:**

NONE.

**H. OLD BUSINESS:**

NONE.

**I. ORDINANCES – SECOND READING:**

**1. ORDINANCE 12-62**

**APPROVING A SPECIAL USE PERMIT FOR A TWO-TENANT BUILDING WITH A RESTAURANT DRIVE-THROUGH FACILITY IN ONE-HALF OF THE BUILDING ON PROPERTY ZONED "GC" GENERAL COMMERCIAL AND LOCATED AT 1101 WEST LINCOLN HIGHWAY, DEKALB ILLINOIS.**

Mayor Povlsen read Ordinance 12-62 by title only.

MOTION

Ald. Teresinski moved to postpone action on Ordinance 12-62 until the September 10, 2012 Council meeting; seconded by Ald. Gallagher. Motion carried on voice vote. Mayor Povlsen declared the motion passed.

**2. ORDINANCE 12-63**

**AMENDING THE MUNICIPAL CODE OF THE CITY OF DEKALB, ILLINOIS, CHAPTER 2, "CITY COUNCIL," SECTION 2.09(A), "AGENDA," RELATING TO MEETING AGENDAS FOR THE CITY OF DEKALB.**

Mayor Povlsen read Ordinance 12-63 by title only.

**MOTION**

Ald. Lash moved to pass Ordinance 12-63; seconded by Ald. Baker. Motion carried 5-3 on roll call vote. Aye: Jacobson, Lash, Gallagher, Baker, O'Leary. Nay: Teresinski, Naylor, Povlsen. Mayor Povlsen declared the motion passed.

**J. ORDINANCES – FIRST READING:**

**4. ORDINANCE 12-70**

**APPROVING A SPECIAL USE PERMIT FOR A VEHICLE SALVAGE YARD (VEHICLE RECYCLING OPERATION) AT 1008 OAK STREET, DEKALB ILLINOIS.**

Mayor Povlsen read Ordinance 12-70 by title only.

**MOTION**

Ald. Gallagher moved to receive and file Ordinance 12-70; seconded by Ald. Teresinski.

Mr. Hiland provided background on the request. He noted that the Planning & Zoning Commission recommended approval with specific conditions. He added that the requestor, Jeff Gorman is present and is asking a variance to 10'.

Ms. Julia Dwyer, DeKalb, Illinois, stated she lives across the street from the lot and objects to the permit. She added that the screen and fence do not block anything from the neighbors; there is much noise, odors and dust. Ms. Anna Marie Coveny, DeKalb, Illinois stated she has six objections: aesthetics, noise, odor from diesel, property values, storm water and dust.

Ald. Lash stated she shares the concerns. She added this neighborhood already has difficult issues and she cannot support the item at this time. Ald. Teresinski asked what could be done to mitigate the concerns. Mr. Hiland stated that a discussion on landscaping was highlighted. He added that the Planning & Zoning Commission believed that perhaps the crushing of vehicles should be limited to no more than eight (8) cars per day during the week. Cars would only be received on the weekends, he added.

Discussion continued regarding the site, screening, fencing, elevation and other alternatives.

Mr. Jeff Gorman, President of DeKalb Iron and Metal (DIMCO) stated the area was selected far from the street. He added it takes quite a bit of space to store cars once they are crushed and he doesn't have extra space elsewhere.

Ald. Gallagher suggested a land exchange for this property with some City-owned property, specifically some property on 7<sup>th</sup> Street.

Discussion continued regarding fencing, the special use permit, zoning, exchange of property and screening elements.

Ald. Baker suggested getting a recording of the crushing of cars so that Council can hear the level of noise. Mr. Gorman stated that the sound is a slow compressing process and lasts approximately one second. Discussion ensued regarding a possible land exchange with the City. Mr. Biernacki asked Council if they would want this operation visible from 7<sup>th</sup> Street. He added he is not aware of other property the City owns that would be usable for this purpose.

Ald. Teresinski stated he supported taking some time to investigate alternatives. Ald. Lash stated she wouldn't support a land exchange and envisioned similar concerns from other neighbors. She suggested a total enclosure. Ald. Baker stated that the Council may spend too much time on requests for special use permits.

Motion carried on voice vote. Mayor Povlsen declared the motion passed.

**1. ORDINANCE 12-67**

**AMENDING THE MUNICIPAL CODE OF THE CITY OF DEKALB, ILLINOIS,  
CHAPTER 38, SECTION 38.20, RELATING TO GAMBLING DEVICES FOR THE  
CITY OF DEKALB.**

Mayor Povlsen read Ordinance 12-67 by title only.

**MOTION**

Ald. Gallagher moved to receive and file Ordinance 12-67; seconded by Ald. Jacobson.

**MOTION TO EXTEND MEETING**

At 8:50 p.m., Ald. Teresinski moved to extend the meeting past 9:00 p.m.; seconded by Ald. Jacobson. Motion carried on voice vote. Mayor Povlsen declared the motion passed.

Mr. Biernacki advised Council that the draft ordinance limits the gambling devices to specific liquor classifications for a total of twenty-three (23) eligible establishments. He added there were questions regarding tax revenues previously and additional information is included in the Agenda packet.

Ms. Carolyn Watson, Sycamore, Illinois spoke in opposition to the gambling devices. She noted that it is twice as addictive as any other type of gambling. It is destructive to the community and families, she added. Also, she said, it brings forth spousal abuse and a high incidence of suicides, causes bankruptcy, child neglect and crime. She urged Council to maintain the ban on video gaming.

Ms. Rosemarie Slavenas, Sycamore, Illinois stated that NIU is an extremely important resource. She added that students spend money in the stores and restaurants. Video gaming, she said, would mean that the revenue would go elsewhere. She encouraged Council to support small businesses, downtown and provide services for people coming to the area. She urged Council to maintain the ban on video gaming.

Ms. Deb Witmer, DeKalb, Illinois stated she is in favor of video gaming which allows operators an opportunity to offset rising costs. She added that 90% of towns are approving video gaming. Also, she said, it benefits the City, operators, and the state. She asked that Class E licensees be included if approved.

Mr. John Anderson, DeKalb, Illinois said that previously he asked that a referendum be placed on the November ballot to allow the public to decide on the issue. He stated that if video gaming is passed, over \$3 million will leave the city every year and there will be a larger number of mental health problems. Video gaming, he said, will be financed by those who can least afford it.

Ms. Kathy Gilroy, Villa Park, Illinois stated that her main concern is DeKalb residents. She spoke in opposition to video gaming and provided statistics on her position. She also disagreed with comments made at the last meeting regarding her materials.

Mr. Nick Lennex, Chicago, Illinois stated he represents local business owners. He stated that the gaming area must be separate from the rest of the establishment and would have to include a partition. He stated that very few business owners oppose video gaming. Also, he said, 258 municipalities out of 277 in the state have approved it; which is 93%.

Mr. Earl Sullivan, DeKalb, Illinois stated that these establishments are asking the Council to help them help the City by allowing video gaming. He added that Mr. Lennex' company will be expending a good deal of money to place the machines in businesses. He noted that it could cost \$1.7 million in equipment. The businesses must sign a five-year contract for the machines. He suggested that Council adopt the ordinance for five years and determine after that time if the machines should stay.

Mr. Roger Hartman, DeKalb, Illinois stated he doesn't like people using scare tactics. He added that he is from the Elks and is support of the ordinance as businesses are struggling. Additionally he said his organization struggles and no longer has employees; it is staffed with trustees and officers.

Mr. Paul Kallembach, DeKalb, Illinois stated that he is from the VFW and supports the ordinance. He added that he is honored to pay taxes and be part of this community. Also, he said, his organization helps veterans every day. His organization needs help, he said and added he is strongly in favor of this ordinance to help the businesses.

Mr. Keith Tadevich, Palos Heights, Illinois stated he is the owner of Mardi Gras Bowling and is in favor of video gaming. He asked that Council consider including his business (the only Class J liquor license) in the ordinance. He stated he has a completely separate lounge area, has video surveillance and is only connected through a set of doors; no one under 21 is permitted inside. He asked Council to amend the ordinance to include his establishment.

Ald. Lash stated she cannot support the ordinance. She added that if the funds are coming from people's entertainment funds, they are taking it away from retail businesses and putting it into gambling. However, she added, she understands Mr. Tadevich's concern and believes Class J should be included with a caveat it is age restricted room that is closed from the rest of the facility.

#### MOTION TO AMEND

Ald. Lash moved to amend Ordinance 12-67 to include Class J licensees with separate entrances for those only 21 years of age and over; seconded by Ald. Baker. Motion carried on voice vote. Mayor Povlsen declared the motion passed.

#### MOTION TO AMEND

Ald. Baker moved to amend Ordinance 12-67 to include any liquor license holder that can restrict an area to those 21 and over. Motion died due to lack of a second.

Mr. Frieders stated this may present some practical enforcement challenges for the City.

Ald. Baker clarified his Motion to Amend Ordinance 12-67 to include any liquor license that is able to add a wall and corner and create an area that only those 21 and over can enter.

Mr. Frieders asked if Council is intending to address all licensees that sell package liquor or have consumption on premises. He added that if Ald. Baker's amendment passes, it would include Class A, AA, A-CBD, C, J and E. Additionally he said that cordoning off an area is difficult and the State requires that the areas are monitored by the establishments.

Mr. Mel Witmer, DeKalb, Illinois, owner of O'Leary's said that his restaurant cannot be compared to Applebee's. He added that the state determined that all liquor licensees would be able to have the devices. Also, he said, the downtown area is unique.

Ald. Lash left the meeting at 9:30 p.m.

Mr. Frieders stated that Class E licenses are required by state law and the Municipal Code to have a bar area separate and liquor can be served without food. He added that he believes O'Leary's meets those requirements, and if Council wants to allow Class E licensees to have video gaming, it might be workable.

Discussion continued regarding adding Class E licensees to the ordinance.

Ald. Gallagher suggested that a vote be taken on the ordinance itself and address amendments during the next few weeks. He added that he supports the ordinance.

Ald. Teresinski stated that most of the revenue would be moved from one retail establishment to another and there is no net gain to the community. He added that he will support the ordinance and will continue to get research on the topic. He stated he will support it on first reading, but isn't clear that the economic impact is neutral.

Ald. Jacobson stated that Council can see what the revenue will look like and would appreciate a sunset clause. He stated he would support it on first reading.

#### MOTION TO AMEND

Ald. Jacobson moved to amend Ordinance 12-67 to add a five-year term limit on the video gaming machines and determine at that time the financial, liability and social costs; seconded by Ald. Gallagher. Motion carried on voice vote. Mayor Povlsen declared the motion passed.

Ald. Naylor stated that video gambling has become more prominent throughout the country and he believes it will be here for a long time. He stated he generally supports the issue; however, he would like to see additional information regarding establishments eligible for the gaming devices and would like a further breakdown of the licenses. Additionally, he said, he would like to see the City's nominal fee of \$25 increased to assist the City in offsetting enforcement.

#### MOTION TO AMEND

Ald. Naylor moved to amend Ordinance 12-67 to raise the fee from \$25 to \$250.

Mr. Frieders stated that the Illinois Act imposes a fee of \$25 on non-home rule communities. He added that not a single community in staff's research demonstrated a fee over \$25. Also, he said, home rule gives the ability on the placement of the machines, but not the fee.

Ald. Naylor withdrew his motion.

Ald. Baker stated that Council can regulate and restrict the machines from children. People that want to gamble will drive to do so, he added. He stated he is in favor of the ordinance. Mayor Povlsen added his support.

#### VOTE

Motion carried on voice vote. Mayor Povlsen declared the motion passed.

#### **2. ORDINANCE 12-68**

#### **AMENDING THE MUNICIPAL CODE OF THE CITY OF DEKALB, ILLINOIS, CHAPTER 2, "CITY COUNCIL," SECTION 2.02, RELATING TO THE VOTING POWER OF THE MAYOR OF THE CITY OF DEKALB.**

Mayor Povlsen read Ordinance 12-68 by title only.

#### MOTION

Ald. Gallagher moved to receive and file Ordinance 12-68; seconded by Ald. O'Leary.

Mr. Frieders stated there have been a number of questions about the circumstances where the Mayor votes. He explained the Illinois Statute relating to the Mayor's ability to vote which is the Mayor shall vote to break a tie or when one-half of the aldermen in office have voted in favor of the motion even though there is no tie vote or where a super majority vote is required, i.e. annexations, competitive bidding. In those circumstances, he said, the Mayor is obligated to vote. Also, the Mayor may, but shall not be obligated to vote on any other question before Council.

He added that the City Clerk has been following these requirements and staff believes it is appropriate to bring this ordinance forward.

#### VOTE

Motion carried on voice vote. Mayor Povlsen declared the motion passed.

#### MOTION

Ald. Gallagher moved to waive second reading of Ordinance 12-68; seconded by Ald. Teresinski. Motion carried 7-0-1 on roll call vote. Aye: Jacobson, Teresinski, Gallagher, Naylor, Baker, O'Leary, Povlsen. Absent: Lash. Mayor Povlsen declared the motion passed.

#### MOTION

Ald. Teresinski moved to pass Ordinance 12-68; seconded by Ald. Gallagher. Motion carried 7-0-1 on roll call vote. Aye: Jacobson, Teresinski, Gallagher, Naylor, Baker, O'Leary, Povlsen. Absent: Lash. Mayor Povlsen declared the motion passed.

**3. ORDINANCE 12-69**

**REZONING PROPERTY AT 722 WEST LINCOLN HIGHWAY, 710 WEST LINCOLN HIGHWAY, 708 WEST LINCOLN HIGHWAY, 702 WEST LINCOLN HIGHWAY, AND 628 WEST LINCOLN HIGHWAY, MADE UP OF P.I.N. NUMBERS 08-22-152-012, 08-22-152-013, 08-22-152-014, 08-22-152-015, AND 08-22-152-016 TO PLANNED DEVELOPMENT COMMERCIAL "PD-C" WITH APPROVAL OF A FINAL PLAN FOR A TWO STORY PUBLIC FACILITY (POLICE STATION) AND A '120 COMMUNICATIONS TOWER.**

Mayor Povlsen read Ordinance 12-69 by title only.

**MOTION**

Ald. Gallagher moved to receive and file Ordinance 12-69; seconded by Ald. O'Leary.

Mr. Frieders explained the rezoning regarding the police station. He noted that the Planning and Zoning Commission has modified the tower to 160' from 120'.

Council discussed at length the ordinance including the height of the tower, screening and landscaping.

**MOTION TO AMEND**

Ald. Teresinski moved to amend Ordinance 12-69 to change the communications tower to 160'; seconded by Ald. Jacobson. Motion carried on voice vote. Mayor Povlsen declared the motion passed.

**VOTE**

Motion carried on voice vote. Mayor Povlsen declared the motion passed.

**MOTION**

Ald. Gallagher moved to waive second reading of Ordinance 12-69; seconded by Ald. Teresinski. Motion carried 6-1-1 on roll call vote. Aye: Jacobson, Teresinski, Gallagher, Baker, O'Leary, Povlsen. Nay: Naylor. Absent: Lash. Mayor Povlsen declared the motion passed.

**MOTION**

Ald. Teresinski moved to pass Ordinance 12-69; seconded by Ald. O'Leary. Motion carried 6-1-1 on roll call vote. Aye: Jacobson, Teresinski, Gallagher, Baker, O'Leary, Povlsen. Nay: Naylor. Absent: Lash. Mayor Povlsen declared the motion passed.

**K. RESOLUTIONS:**

**1. RESOLUTION 12-97**

**AUTHORIZING THE MAYOR OF THE CITY OF DEKALB, ILLINOIS TO SIGN AN ENGINEERING AGREEMENT AMENDMENT NO. 1 WITH BAXTER & WOODMAN, INC., FOR CONSULTANT CONSTRUCTION INSPECTION**

**SERVICES FOR THE HOLLISTER AVENUE WATERMAIN REPLACEMENT PROJECT.**

Mayor Povlsen read Resolution 12-97 by title only.

**MOTION**

Ald. Teresinski moved to pass Resolution 12-97; seconded by Ald. O'Leary. Motion carried 7-0-1 on roll call vote. Aye: Jacobson, Teresinski, Gallagher, Naylor, Baker, O'Leary, Povlsen. Absent: Lash. Mayor Povlsen declared the motion passed.

**L. REPORTS – COMMUNICATIONS:**

Mayor Povlsen stated that DeKalb can be proud of Grant and Ross James for their participation in the Olympics and pointed out the picture of them in the paper holding the City of DeKalb flag.

Mayor Povlsen announced that the Liquor Commission will meet on August 21 and the public is welcome. Additionally, Council will hold a special meeting on August 22 to discuss the safe/quality housing issues.

Ald. Jacobson welcomed the students back. Ald. Teresinski asked for a report monthly on police station bids and costs. Mr. Biernacki replied it is being created. Ald. Gallagher commented on the construction on West Lincoln and welcomed back the students. Also, he said, DeKalb schools will be in session August 29. Additionally, he said, Founders Elementary has a new playground from TIF funding. He reminded all that Corn Fest is August 24-26. Ald. Naylor congratulated Ross and Grant James for their Olympic efforts and also Ms. Lopez for her gymnastics achievement.

Ms. Wright reminded Council to advise her if they wish to attend the Illinois Municipal League conference in October. Additionally, she said, campaign packets are available on the City's website. Signatures for petitions can begin September 25 with the filing period December 17-24. Mr. Moore advised that Lot #8 has been re-landscaped.

**M. RECESS FOR CLOSED SESSION:**

- 1) APPROVAL OF A STAFF REQUEST TO HOLD A CLOSED SESSION TO DISCUSS COLLECTIVE BARGAINING AS PROVIDED FOR IN 5 ILCS 120/2(c)(2), AND PENDING LITIGATION 5 ILCS 120/2(c)(11).**

**MOTION**

Ald. Naylor moved to approve staff's request to hold a closed session to discuss Collective Bargaining as provided for in 5 ILCS 120/2(c)(2) and Pending Litigation 5 ILCS 120/2(c)(11); **SECONDED BY** Ald. Gallagher. Motion carried 6-1-1 on roll call vote. Aye: Jacobson, Teresinski, Gallagher, Naylor, O'Leary, Povlsen. Nay: Baker. Absent: Lash. Mayor Povlsen declared the motion passed.

Mayor Povlsen closed the meeting to the public at 10:30 p.m.



Mayor Povlsen opened the meeting to the public at 10:40 p.m.

**N. ADJOURNMENT:**

Ald. Jacobson moved to adjourn the meeting; seconded by Ald. Naylor Motion carried on voice vote. Mayor Povlsen declared the meeting adjourned at 10:40 p.m.

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**DIANE K. WRIGHT, City Clerk**

Approved by City Council  
August 27, 2012