

**MINUTES
CITY OF DEKALB
REGULAR CITY COUNCIL MEETING
FEBRUARY 25, 2019**

The City Council of DeKalb, Illinois held a Regular City Council meeting on February 25, 2019, in the City Council Chambers of the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois.

A. CALL TO ORDER AND ROLL CALL

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

City Clerk Lynn Fazekas called the roll, and the following members of City Council were present: Alderman Joyce Stupegia, Alderman Pat Fagan, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Alderman David Jacobson arrived 6:06 p.m., and Alderman Finucane arrived 7:01 p.m.

Also present were: City Manager Bill Nicklas, Assistant City Manager Ray Munch, Fire Chief Jeff McMaster, Principal Planner Dan Olson, and City Attorney Dean Frieders.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES

Alderman Stupegia led the Pledge.

C. APPROVAL OF THE AGENDA

MOTION

Alderman Stupegia moved to approve the agenda. Alderman Fagan seconded.

VOTE

Motion carried 5-0-3 on roll call vote. Aye: Stupegia, Fagan, Verbic, Faivre, Smith. Nay: none. Absent: Noreiko, Jacobson, Finucane. Mayor Smith declared the agenda approved.

D. PUBLIC PARTICIPATION

There was no public participation during this part of the meeting.

E. PRESENTATIONS

1. Proudly DeKalb
 - a. Recognition of Fire and Police Personnel

City Manager Nicklas related events of February 9 in which first responders from City of DeKalb and Northern Illinois University resuscitated a person who collapsed during a special event at NIU. Receiving Letters of Commendation were: NIU Police Officer Dan Leifker, DeKalb Fire Lieutenant Brian Andrus, and DeKalb Firefighter/Paramedics Tom Conley, Chris Krupa, Greg Thornton, Joe Fisher, and Jim Morton.

2. DeKalb Municipal Band Annual Report by Director Kirk Lundbeck.

Mr. Lundbeck summarized the year's events. This summer marks the Municipal Band's 165th consecutive season, he said.

F. APPOINTMENTS

There were none.

G. CONSENT AGENDA

1. Minutes of the Regular City Council Meeting of February 11, 2019.
2. Accounts Payable and Payroll through February 25, 2019, in the Amount of \$7,365,181.26.
3. Investment and Bank Balance Summary through December 2018.
4. Year-to-Date Revenues and Expenditures for the General Fund and Water Fund through December 2018.
5. Amendment of the 2019 Schedule of Meetings.

Mayor Smith read each item of the Consent Agenda.

MOTION

Alderman Verbic moved to approve the Consent Agenda. Alderman Faivre seconded.

VOTE

Motion carried 6-0-2 on roll call vote. Aye: Fagan, Verbic, Faivre, Jacobson, Stupegia, Smith. Nay: none. Absent: Noreiko, Finucane. Mayor Smith declared the motion approved.

H. PUBLIC HEARINGS

There were none.

I. CONSIDERATIONS

1. Establishing a Special Events Budget in the Amount of \$10,000 for FY2019.

City Manager Nicklas asked for Council direction in the matter.

Alderman Verbic proposed a commission appointed by the Mayor for selecting events with grants funded by growth in the City's hotel/motel tax. Other Council members voiced support as well. Aldermen also expressed the desire for return on investment and for some events outside of downtown. Mayor Smith noted consensus on the proposal.

2. Consideration of the City Manager's Recommendation to Amend Various City License Inspections.

City Manager Nicklas explained the plan would eliminate redundancies, including annual inspection rotation in some cases, and shift to an emphasis on preplanning for emergencies. Amendments would include:

- Suspending inspections on commercial buildings, while updating preplans.
- Moving Fire/Life Safety and hotel/motel inspections to every other year.
- Eliminating gas station licensing, because other authorities inspect gas stations.

City Manager Nicklas said rooming houses would continue to undergo annual inspection due to high turnover. Also, he confirmed the complaint process wouldn't change in any case, and said annual registration and licensing would continue generally, in order to ensure regular updates in contact and other information.

Following solicitation of Council opinion, Mayor Smith declared consensus in favor of the City Manager's recommendations.

J. RESOLUTIONS

1. Resolution 2019-042 Authorizing an Amendment to the Midwest Hangar Corporation Hangar Lease Agreement.

Mayor Smith read the resolution by title only.

MOTION

Alderman Stupegia moved to pass the resolution. Alderman Faivre seconded.

City Manager Nicklas gave an overview of the amendment, saying it is important for retaining pilots and related revenue, such as fuel sales.

VOTE

Motion carried 6-0-2 on roll call vote. Aye: Verbic, Faivre, Jacobson, Stupegia, Fagan, Smith. Nay: none. Absent: Finucane, Noreiko. Mayor Smith declared the motion passed.

2. Resolution 2019-043 Authorizing the Award of a Bid to Performance Construction and Engineering, LLC in the Amount of \$743,500 for 4,100 Feet of Watermain Replacement on Joanne Lane, Golfview Place and Ilehamwood Drive with Staff Authority to Approve Change Orders Up to \$769,522.

Mayor Smith read the resolution by title only.

MOTION

Alderman Faivre moved to approve the resolution. Alderman Verbic seconded.

VOTE

Motion carried 6-0-2 on roll call vote. Aye: Faivre, Jacobson, Stupegia, Fagan, Verbic, Smith. Nay: none. Absent: Finucane, Noreiko. Mayor Smith declared the motion passed.

3. Resolution 2019-044 Authorizing an Engineering Services Agreement with Fehr-Graham & Associates, LLC for Construction Engineering of 4,100 Feet of Water Main in an Amount Not to Exceed \$75,000.

Mayor Smith read the resolution by title only.

MOTION

Alderman Verbic moved to pass the resolution. Alderman Stupegia seconded.

VOTE

Motion carried on 6-0-2 roll call vote. Aye: Jacobson, Stupegia, Fagan, Verbic, Faivre, Smith. Nay: none. Absent: Finucane, Noreiko. Mayor Smith declared the motion passed.

4. Resolution 2019-045 Authorizing an Agreement with Municipal Collections of America for Debt Collection Services.

Mayor Smith read the resolution by title only.

MOTION

Alderman Verbic moved to approve the resolution. Alderman Fagan seconded.

VOTE

Motion carried on 6-0-2 roll call vote. Aye: Stupegia, Fagan, Verbic, Faivre, Jacobson, Smith. Nay: none. Absent: Noreiko, Finucane. Mayor Smith declared the motion passed.

5. Resolution 2019-046 Authorizing an Architectural Improvement Program Economic Incentive Grant in the Amount of \$15,000 for Carlson Oak, LLC, 118-126 Oak Street.

Mayor Smith read the resolution by title only.

MOTION

Alderman Verbic moved to approve the resolution. Alderman Faivre seconded.

VOTE

Motion carried 6-0-2 on roll call vote. Aye: Fagan, Verbic, Faivre, Jacobson, Stupegia, Smith. Nay: none. Absent: Noreiko, Finucane. Mayor Smith declared the motion passed.

6. Resolution 2019-047 Authorizing the Staffing of One Water Service Maintenance Position in the Utilities Division of the Public Works Department.

Mayor Smith read the resolution by title only.

MOTION

Alderman Stupegia moved to approve the resolution. Alderman Fagan seconded.

VOTE

Motion carried 6-0-2 on roll call vote. Aye: Jacobson, Stupegia, Fagan, Verbic, Faivre, Smith. Nay: none. Absent: Finucane, Noreiko. Mayor Smith declared the motion passed.

7. Resolution 2019-048 Approving a Final Plat for the Egyptian Theatre Subdivision and Authorizing a Conveyance of Real Property.

Mayor Smith read the resolution by title only.

MOTION

Alderman Favre moved to approve the resolution. Alderman Stupegia seconded.

Mary Wilson expressed concerns about possible disruptions to her business next door. She also asked for help with sewer upgrades when the area is torn up by the renovation.

Larry Berke, who lives near the Egyptian, said he supports air conditioning and bathroom renovation, but says he's going to see a wall now when he looks out from his home. He said he didn't understand why the City representative on the Egyptian board didn't come over and explain the plans.

Lisa Sharpe, architect, said any changes to location, size of footprint, and/or timing would add to the expense of the project. She explained the need for access via the south side of the building, and the tight squeeze in the basement that prevents further reduction of the footprint.

Alex Nerad, director, said the Egyptian has improved architectural detail in the plans and adjusted placement and footprint.

Steve Irving, developer, said it is critical to start the project by end of May to get done by the time the heat needs to go on. He noted that the Wilsons allow theatre patrons to use their restaurant bathrooms when needed.

City Manager Nicklas reminded Council the approval of plat and conveyance of land require the approval of a minimum of six Council members (3/4 majority). He recommended deferring decision to the March 11 meeting to explore compromises.

Council members discussed the costs to Egyptian of delay versus taking time to try to work out compromises with the neighbors. Several also expressed concern that the Egyptian could come up short on its share of the costs, because actual donations to the theatre have not yet matched \$1 million in donor pledges.

Mayor Smith summarized that a vote for postponement was a vote for compromise between the Egyptian design team and the interested parties, and to ascertain the actual donation amount.

City Manager Nicklas accepted the role of mediator.

MOTION

Alderman Fagan moved to postpone decision on the resolution for two weeks. Alderman Verbic seconded.

VOTE

Motion to postpone was approved 7-0-1 on roll call vote. Aye: Finucane, Stupegia, Fagan, Verbic, Faivre, Jacobson, Smith. Nay: none. Absent: Noreiko.

8. Resolution 2019-049 Authorizing the Purchase of One Vehicle through Rush Truck Center Based on the State Bid Contract Price in an Amount Not to Exceed \$175,193.

Mayor Smith read the resolution by title only.

MOTION

Alderman Stupegia moved to approve the resolution. Alderman Faivre seconded.

City Manager Nicklas said this figure comes within the state bid amount, the vendor will sell at 2018 price, and the 2004 truck it replaces will go to the Street Department.

In response to a question, Assistant City Manager Munch reported the City has several full-sized dump trucks out of service.

Alderman Finucane suggested the City explore trade-ins as part of future purchases.

VOTE

Motion carried 7-0-1 on roll call vote. Aye: Stupegia, Fagan, Verbic, Faivre, Jacobson, Finucane, Smith. Nay: none. Absent: Noreiko. Mayor Smith declared the motion passed.

K. ORDINANCES – SECOND READING

1. Ordinance 2019-006 Amending Chapter 2 “City Council”.

Mayor Smith read the ordinance by title only.

MOTION

Alderman Finucane moved to approve the ordinance. Alderman Verbic seconded.

Steve Kapitan commented he is sympathetic to limitations on public comment, but the City could show flexibility if someone wants to speak to multiple items.

MOTION

Alderman Finucane moved to amend language allowing three minutes per speaker per meeting. With the City Attorney's assistance, the amendment was finalized as "three minutes per speaker per agenda item or topic." Alderman Jacobson seconded.

VOTE

Motion carried 7-0-1 on roll call vote. Aye: Fagan, Verbic, Faivre, Jacobson, Finucane, Stupegia, Smith. Nay: none. Absent: Noreiko. Mayor Smith declared the motion passed.

VOTE

Motion to pass the ordinance as amended carried 7-0-1 on roll call vote. Aye: Verbic, Faivre, Jacobson, Finucane, Stupegia, Fagan, Smith. Nay: none. Absent: Noreiko. Mayor Smith declared the ordinance passed.

2. Omnibus Approval of Ordinances Establishing Backup Special Service Areas as Follows: Ordinance 2019-008 Fatty's/Culvers; Ordinance 2019-009 Popeye's; Ordinance 2019-010 University Village; Ordinance 2019-011 University Plaza; Ordinance 2019-012 First Rockford/Nelson; Ordinance 2019-013 Casey's; Ordinance 2019-014 Cornerstone; Ordinance 2019-015 Sonic; Ordinance 2019-016 Bandit's Castle; Ordinance 2019-017 1114 Blackhawk Road; Ordinance 2019-018 Home2 Suites; Ordinance 2019-019 1792 Sycamore Road; Ordinance 2019-020 Plaza DeKalb; and Ordinance 2019-021 Establishing an Active Special Service Area for 924 Greenbrier Road.

Mayor Smith read the omnibus package of ordinances by title.

MOTION

Alderman Verbic moved to pass the ordinances. Alderman Finucane seconded.

VOTE

Motion carried 7-0-1 on roll call vote. Aye: Faivre, Jacobson, Finucane, Stupegia, Fagan, Verbic, Smith. Nay: none. Absent: Noreiko. Mayor Smith declared the ordinances passed.

3. Ordinance 2019-023 Amending Chapter 38, Section 38.01 "Definitions", Section 38.07 "Classification of Liquor Licenses", and Section 38.13 "Restrictions Applicable to Hospitality Sales".

Mayor Smith read the ordinance by title only.

MOTION

Alderman Faivre moved to approve the ordinance. Alderman Verbic seconded.

VOTE

Motion carried 7-0-1 on roll call vote. Aye: Jacobson, Finucane, Stupegia, Fagan, Verbic, Faivre, Smith. Nay: none. Absent: Noreiko. Mayor Smith declared the ordinance passed.

L. ORDINANCES – FIRST READING

- 1. Ordinance 2019-025 Amending Chapter 23 “Unified Development Ordinance”, Article 7 “Supplementary District Regulations”, Article 12 “Off-Street Parking and Loading Requirements”, Article 13 “Signs”, Article 16 “Administration and Enforcement”, and Article 18 “Appeals and Variances”.**

Mayor Smith read the ordinance by title only.

MOTION

Alderman Faivre moved to approve first reading. Alderman Stupegia seconded.

City Manager Nicklas noted Planning & Zoning Commission recommended approval.

VOTE

Motion carried 7-0-1 on roll call vote. Aye: Finucane, Stupegia, Fagan, Verbic, Faivre, Jacobson, Smith. Nay: none. Absent: Noreiko. Mayor Smith declared the motion passed.

MOTION

Alderman Verbic moved to waive second reading and approve the ordinance. Alderman Faivre seconded. (Motion was actually made following final approval of Item L.2. below.)

VOTE

Motion carried 7-0-1 on roll call vote. Aye: Verbic, Faivre, Jacobson, Finucane, Stupegia, Fagan, Smith. Nay: none. Absent: Noreiko. Mayor Smith declared the motion passed.

2. Ordinance 2019-026 Amending the Fiscal Year-End December 31, 2019 (FY2019) Budget in the Amount of \$877,000 for Payments to the Illinois Treasurer and Illinois State Toll Highway Authority for Capital Improvement Projects.

Mayor Smith read the ordinance by title only.

MOTION

Alderman Finucane moved to approve first reading. Alderman Fagan seconded.

VOTE

Motion carried 7-0-1 on roll call vote. Aye: Stupegia, Fagan, Verbic, Faivre, Jacobson, Finucane, Smith. Nay: none. Absent: Noreiko. Mayor Smith declare the motion passed.

MOTION

Alderman Finucane moved to waive second reading and approve the ordinance. Alderman Fagan seconded.

VOTE

Motion carried 7-0-1 on roll call vote. Aye: Fagan, Verbic, Faivre, Jacobson, Finucane, Stupegia, Smith. Nay: none. Absent: Noreiko.

3. Ordinance 2019-027 Amending Chapter 55, "Hotels and Motels", to Eliminate Hotel and Motel Tax on Properties with Five or Fewer Hotel Rooms.

MOTION

Alderman Verbic moved to approve first reading. Alderman Fagan seconded.

City Manager Nicklas explained that Airbnb operates in the City and does not pay the Hotel/Motel tax, but the sole "bed and breakfast" in town has always paid the tax.

Council members discussed whether to have Airbnb collect the tax. City Attorney Frieders noted municipalities with very little Airbnb activity are not taking action.

VOTE

Motion carried 7-0-1 on roll call vote. Aye: Faivre, Jacobson, Finucane, Stupegia, Fagan, Verbic, Smith. Nay: none. Absent: Noreiko. Mayor Smith declared the motion passed.

MOTION

Alderman Fagan moved to waive second reading and pass the ordinance. Alderman Verbic seconded.

VOTE

Motion carried 7-0-1 on roll call vote. Aye: Jacobson, Finucane, Stupegia, Fagan, Verbic, Faivre, Smith. Nay: none. Absent: Noreiko. Mayor Smith declared the motion passed.

4. Ordinance 2019-028 Repealing Chapter 68, "Self-Storage Tax."

Mayor Smith read the ordinance by title only.

MOTION

Alderman Stupegia moved to approve first reading. Alderman Fagan seconded.

Assistant City Manager Munch reported that an expected development did not happen, which changed revenue projections for this tax.

VOTE

Motion carried 7-0-1 on roll call vote. Aye: Finucane, Stupegia, Fagan, Verbic, Faivre, Jacobson, Smith. Nay: none. Absent: Noreiko. Mayor Smith declared the motion passed.

MOTION

Alderman Fagan moved to waive second reading and pass the repeal. Alderman Stupegia seconded.

VOTE

Motion carried 7-0-1 on roll call vote. Aye: Stupegia, Fagan, Verbic, Faivre, Jacobson, Finucane, Smith. Nay: none. Absent: Noreiko. Mayor Smith declared the motion passed.

M. REPORTS AND COMMUNICATIONS

1. Council Member Reports

Aldermen Jacobson, Finucane, Verbic, and Fagan thanked the staff who are leaving and wished them luck.

Alderman Stuepegia asked when three Aldermen in one room would constitute an Open Meetings Act violation. City Attorney Frieders explained there is no violation if there's no interactive/contemporaneous discussion of public business between them.

Alderman Verbic announced a scheduled Sixth Ward meeting and another in support of backyard chickens.

Mayor Smith announced upcoming meetings of anyone interested in implementation of the Annie Glidden Neighborhood plan, and a candidate's night for municipal candidates.

2. City Clerk Report

Clerk Fazekas announced the start of early voting and said the schedule can be accessed from the Clerk's page on the City's website.

3. City Manager Report

City Manager Nicklas bade farewell to the staff who are leaving.

N. EXECUTIVE SESSION PURSUANT TO 5 ILCS (120/2)

No executive session was held during this meeting.

O. ADJOURNMENT

MOTION

Alderman Faivre moved to adjourn the meeting at 8:32 p.m. Alderman Fagan seconded.

VOTE

Motion carried on majority voice vote. Mayor Smith declared the Regular Meeting adjourned at 8:32 p.m.

LYNN A. FAZEKAS, City Clerk

Approved by City Council: March 11, 2019.