

**MINUTES
CITY OF DEKALB
REGULAR CITY COUNCIL MEETING
FEBRUARY 28, 2022**

The City Council of DeKalb, Illinois held a Regular meeting on February 28, 2022, in the Yusunas Meeting Room of the DeKalb Public Library, 309 Oak Street, DeKalb, Illinois.

A. CALL TO ORDER AND ROLL CALL

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

City Clerk Sasha Cohen called the roll, and the following members of City Council were present: Alderman Carolyn Morris, Alderman Barb Larson, Alderman Greg Perkins, Alderman Scott McAdams, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Cohen Barnes. Alderman Tracy Smith was absent.

Other in attendance included City Manager Bill Nicklas and City Attorney Matt Rose.

B. PLEDGE OF ALLEGIANCE

Citizen Shadow Gentry led the Pledge of Allegiance.

C. APPROVAL OF THE AGENDA

MOTION: Alderman Verbic moved to approve the agenda; seconded by Alderman McAdams.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Smith. Mayor Barnes declared the motion passed.

D. PRESENTATIONS

1. DeKalb Public Library FY2021 Annual Report.

Library Director Emily Faulkner provided a report on the activities of the library during 2021.

Alderman Faivre thanked Ms. Faulkner for the services provided at the library, especially the offering of large print books, which was helpful to his mother during the COVID shutdown.

Referring to a portion of the report regarding the number of teenagers in the library after school hours, Alderman Morris asked Ms. Faulkner how they are accommodated. Ms. Faulkner replied that extra staff are available during those hours and space at the library was reorganized, not only for the teenagers, but also for the elderly.

Mayor Barnes also thanked Ms. Faulkner for the report.

E. PUBLIC PARTICIPATION

City Clerk Cohen spoke to the February 14, 2022, minutes listed on the agenda that he submitted for Council review, stating the minutes provide a complete package, with votes being recorded accurately in a factual manner and a link provided at the end of the minutes to take the reader to the recording of the meeting. He believes this combination will provide the best possible record for citizens. He also spoke to the turmoil Ukrainian citizens are facing at this time and suggested that Council direct staff to develop a plan for Ukrainian citizens if they come to DeKalb.

F. APPOINTMENTS

There were none.

G. APPROVAL OF THE MINUTES

1. Minutes Submitted by the City Clerk

- a. Minutes of the Regular City Council Meeting of February 14, 2022.

Mayor Barnes read the title above and asked for a motion to bring the item to the floor for approval. There was no motion offered by Council.

2. Minutes Submitted by the Recording Secretary

- a. Minutes of the Regular City Council Meeting of February 14, 2022.

MOTION: Alderman McAdams moved to approve the minutes; seconded by Alderman Larson.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Smith. Mayor Barnes declared the motion passed.

H. CONSENT AGENDA

Mayor Barnes read the following Consent Agenda items by title only:

1. Accounts Payable and Payroll through February 28, in the Amount of \$2,493,307.75.
2. Freedom of Information Act (FOIA) Report.

MOTION: Alderman Perkins moved to approve the Consent Agenda; seconded by Alderman Faivre.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Smith. Mayor Barnes declared the motion passed.

I. PUBLIC HEARINGS

Mayor Barnes opened the Public Hearing at 6:15 p.m. and the following title in its entirety:

1. Public Hearing Regarding the Renewal of the Comcast Franchise Agreement.

There was no one from the public present who wished to speak and there was no discussion among Council.

Further information regarding this item can be found under Resolution 2022-021 in these minutes. Mayor Barnes closed the Public Hearing at 6:15 p.m.

J. CONSIDERATIONS

1. Consideration of the Kishwaukee River Bridge Replacements at N. First Street and Lucinda Avenue.

Mayor Barnes read the title above for the record.

MOTION: Alderman Faivre moved to bring this item to the floor for discussion; seconded by Alderman Larson.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. The Kishwaukee River bridge structures at N. First Street and Lucinda Avenue have been slated for replacement by the City and the Illinois Department of Transportation (IDOT) for a number of years. Preliminary engineering has been completed and construction engineering is budgeted for FY2022. The general contract for the bridge replacement will be awarded in early August, but actual construction that would be disruptive to the public will not commence until the spring of 2023. Funding for this estimated \$5.6 million project is 80% federal (estimated at \$4.5 million) and 20% local (estimated at \$1.1 million). The City has set aside a portion of the annual state motor fuel tax revenues in recent years for its local share. A unique feature of the N. First Street bridge will be a bike path under the bridge on the north side.

There was no discussion among Council.

Mayor Barnes stated he's looking forward to the bike path under the N. First Street bridge.

K. RESOLUTIONS

1. Resolution 2022-020 Approving a Bar Liquor License to Galindo, Inc., d/b/a La Calle, 263 E. Lincoln Highway.

Mayor Barnes read the resolution by title only.

MOTION: Alderman Verbic moved to approve the resolution; seconded by Alderman McAdams.

Mayor Barnes invited the owner of La Calle, Yesenia Galindo, to speak to this item prior to City Manager Nicklas' overview. Ms. Galindo stated it's her goal to open a bar with live entertainment and adding more diversity to the downtown area.

Alderman McAdams relayed a message on behalf of Alderman Smith, stating this project has his full support. Alderman McAdams further stated that the project also has his support and the support of those active in the downtown area.

City Manager Nicklas then provided an overview of this item based on the information provided in the agenda packet. Galindo, Inc., d/b/a La Calle, submitted an application for a bar liquor license, along with a supplemental annual live entertainment permit.

La Calle, which translates to "The Street," will be operating from the location where "The House" was formerly located. A conditional liquor license is sought in order to begin the process of applying for the State of Illinois liquor license. Ms. Galindo has been made aware that the City liquor license will remain conditional until all inspections are passed and other requirements, as listed in the attached resolution, are met.

Alderman Morris asked when the business would be open, with Ms. Galindo replying she hopes to open by the end of August 2022 so they can be a part of Corn Fest.

Mayor Barnes stated he is excited about this project.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Smith. Mayor Barnes declared the motion passed.

2. Resolution 2022-021 Approving 10-Year Cable Franchise Renewal Agreement with Comcast.

Mayor Barnes read the resolution by title only.

MOTION: Alderman McAdams moved to approve the resolution; seconded by Alderman Faivre.

Joan Sage of Comcast spoke briefly to Council, letting them know that she has provided them with a packet of information about Comcast that includes her contact information in case they ever have a question. She further stated that the information packet provides information regarding cable, cell phones, internet, and other services provided by Comcast. Ms. Sage added that Comcast offers internet at a low cost for those who are income eligible via the Government Affordable Connectivity Program.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. The City of DeKalb's current cable television franchise agreement with Comcast expires on March 26, 2022. As required by the Cable Communications Policy Act and other applicable law, a public hearing must be held to provide members of the public an opportunity to comment on the proposed features of a successor agreement.

The draft franchise renewal agreement in the agenda background has the following features:

- a) A non-exclusive 10-year franchise agreement which replaces the 10-year agreement now expiring.
- b) Comcast pays a franchise fee to the City of 5% of the annual gross revenues received from their operation of a cable system within the corporate limits, as per the current franchise agreement. The fee shall be paid on a quarterly basis.
- c) The requirement of underground cable construction in new subdivisions and where the transmission facilities are already underground.
- d) Comcast currently provides capacity for the City's noncommercial public or educational access programming (Channel 14) and will continue to do so. The cost of the broadcast center installed at the DeKalb Library was paid solely by the City in 2020. If in the future the City wants rate payer assistance in expanding its broadcast programming, it will be able to impose a "Public, Educational and Government" (PEG) capital fee of up to 35 cents per customer per month to be passed on to subscribers on their monthly bills. Such action would require Council approval.

There was no discussion among Council.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Smith. Mayor Barnes declared the motion passed.

3. Resolution 2022-022 Approving an Intergovernmental Agreement with the State of Illinois Department of Transportation (IDOT) Regarding the Appropriation of Funds for ADA Curb Ramp Improvements and Parking Resurfacing in Conjunction with the Milling and Resurfacing of Illinois Route 38 from Approximately Illinois Route 23 to the Kane County Line.

Mayor Barnes read the resolution by title only.

MOTION: Alderman Morris moved to approve the resolution; seconded by Alderman Perkins.

City Manager Nicklas provided an overview of the item based on the information provided in the agenda packet. IDOT will be completing a major resurfacing project in DeKalb in 2022 along Illinois Route 38 (Lincoln Highway). This is independent of the City-led downtown reconfiguration, also scheduled for this summer. The IDOT resurfacing includes ADA-compliant sidewalk work to achieve more consistent transitional areas. It is customary for municipalities to participate in such ADA work because of the positive impact on local pedestrian movements, and the City's share in this case is less than \$12,000.

There was no discussion among Council.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Smith. Mayor Barnes declared the motion passed.

4. Resolution 2022-023 Amending Resolution 2020-111 to Extend the Deadline for the Issuance of a Package Liquor License with Supplemental Drive-Through Licensure for Blue Ridge LLC - 1221, 1221 W. Lincoln Highway.

Mayor Barnes read the resolution by title only.

MOTION: Alderman Verbic moved to approve the resolution; seconded by Alderman Morris.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. On October 12, 2020, City Council approved Resolution 2020-111, which authorized a package liquor license with a supplemental drive-thru license for 1221 W. Lincoln Highway (across from Fatty's Pub & Grill). The resolution contained a one-year time frame to obtain the necessary zoning authorizations.

On August 23, 2021, the City Council approved Ordinance 2021-032, which approved the rezoning of the site as well as a preliminary plan. The ordinance required the submittal of a final development plan and final plat prior to any building permit being issued, which have not yet been submitted. In view of the volatility surrounding hospitality businesses in 2020 and 2021, the August 2021 ordinance also allowed the City Manager to approve a six-month extension once the one-year time frame expired. Such an extension was granted.

Jeff Dobie, owner of the business, is requesting another one-year extension, which would begin on March 12, 2022, and extend through March 12, 2023. Mr. Dobie indicates he will start the construction project this spring with completion in the fall.

There was no discussion among Council.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Smith. Mayor Barnes declared the motion passed.

5. Resolution 2022-024 Amending Resolution 2020-112 to Extend the Deadline for the Issuance of a Bar Liquor License with Supplemental Licensure for Video Gaming for Blue Ridge LLC – 1221, 1221 W. Lincoln Highway.

Mayor Barnes read the resolution by title only.

MOTION: Alderman McAdams moved to approve the resolution; seconded by Alderman Faivre.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. On October 20, 2020, the City Council approved Resolution 2020-112, which authorized a bar liquor license with supplemental licensure for video gaming at 1221 W. Lincoln

Highway The resolution contained a one-year time frame to obtain the necessary zoning authorizations. City Council approved Ordinance 2021-032 on August 23, 2021, for rezoning of the site and a preliminary plan.

The resolution also allowed the City Manager to approve a six-month extension after the one-year time frame had expired, which was granted. The six-month extension expires on March 12, 2022. According to the resolution approved in 2020, any further extensions beyond March 12, 2022, require City Council approval. Mr. Dobie is requesting a one-year extension until March 12, 2023.

Alderman Larson stated that since this liquor license was approved, as well as the liquor license approved via Resolution 2022-023, City Council has decided to place a moratorium on gaming. She added she's having a hard time with extending this for another year and noted she's not big on gaming.

Alderman Morris stated she's not big on gaming either but feels Council should do the right thing and follow through with the approval. She noted that the pandemic paused the project and Council should afford the business the opportunity for the extension.

Alderman Verbic stated the revenue generated by video gaming terminals (VGTs) has been good for local owners and non-profits. Recognizing the fees neighboring communities charge businesses for VGTs, Alderman Verbic asked if the City would be establishing flat fees. City Manager Nicklas replied that a \$1,000 per VGT will be imposed upon terminal operators in the near future.

Jeff Richardson spoke on behalf of the owner, Jeff Dobie, stating that one of the reasons the project has been extended was because of COVID. Mr. Richardson further stated that he advised Mr. Dobie to place the project on hold during that time because without gaming, this project doesn't work.

Mayor Barnes stated that based on the comments from Council, it appears the extension will be granted but there would be no more. Mr. Richardson stated that Mr. Dobie would be in agreement with that.

Alderman Perkins asked about the timeline of the project, with Mr. Richardson stating the project would begin soon.

Mayor Barnes asked if the project would need to be completed by the extension expiration. City Attorney Rose stated the language of the extension indicates the license would be issued upon receipt of their temporary occupancy permit. City Manager Nicklas added that temporary occupancy would mean most construction is complete.

Mayor Barnes stated that the intention would be to approve the extension for another year, and without substantial completion, it will not be extended again.

There was no further discussion.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Smith. Mayor Barnes declared the motion passed.

L. ORDINANCES – SECOND READING

There were none.

M. ORDINANCES – FIRST READING

1. Ordinance 2022-011 Repealing Chapter 22 “Building Code Board of Appeals” and Amending Chapter 24 “Building Code” to Create a New Chapter 22 “Building Code Review Board” and Making Procedural Changes for the Administrative Enforcement of the Building Code.

Mayor Barnes read the ordinance by title only.

MOTION: Alderman Verbic moved to approve first reading of the ordinance; seconded by Alderman Morris.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. This amendment makes procedural changes to the City’s Municipal Code by eliminating the Building Code Board of Appeals (BCBA) and replacing it with a new Building Code Review Board (BCRB) in order to clarify the City’s administrative procedures for enforcing building code violations. If approved, the BCRB would serve in the role of an advisory body to the Council for comment on any proposed changes to the locally-adopted building code series. It’s expected that the BCRB will be busy reviewing the latest series of the locally-adopted International Code (2021), which would logically replace the 2015 series presently in force in DeKalb. The several texts of that Code series covering new construction, fire protection, mechanical installations, and property maintenance, among other topics, will require the collaborative review and critique of the volunteer board and City staff over some months.

There was no discussion among Council.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Smith. Mayor Barnes declared the motion passed.

MOTION: Alderman Morris moved to waive second reading and approve the ordinance; seconded by Alderman Larson.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Smith. Mayor Barnes declared the motion passed.

2. Ordinance 2022-012 Amending Chapter 51 “Traffic”, Schedule C “Parking Prohibited”, Schedule E “Limited Parking”, and Schedule F “Limited Parking – Central Business District”.

Mayor Barnes read the ordinance by title only.

MOTION: Alderman Perkins moved to approve first reading of the ordinance; seconded by Alderman Faivre.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. City staff have collaborated on this “clean up” ordinance, which isn’t intended to enact any significant alterations to existing parking restrictions for the community. It is intended to revise language in various sections of Chapter 51 “Traffic” to establish consistent and clear references to actual signage and to clean up errant language that has occurred over many decades as new signs have been added.

Mayor Barnes stated the item will be brought back at the next Council meeting on second reading in order to allow for further citizen review.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Smith. Mayor Barnes declared the motion passed.

N. REPORTS AND COMMUNICATIONS

1. Council Member Reports.

Alderman Morris acknowledged the turmoil in Ukraine, stating it's heartbreaking.

Alderman Larson reported she had coffee at Fire Station #1 and visited with the new recruits. She also thanked Zac Gill and Andy Raih for sending out postcards to residents on Joanne Lane that provided information on the work being done there.

Alderman McAdams reported that he attended the Airport Advisory Board (AAB) meeting last week and appreciated the discussion for long term growth of the DeKalb Taylor Municipal Airport. He encouraged residents to attend the next meeting with any ideas.

Alderman Verbic reported he's received two agenda items from Ward 6 residents for the upcoming Ward 6 meeting, targeted for late March to early April.

Alderman Faivre reported that last week's AAB meeting was good, adding that the AAB meetings are held on the fourth Tuesday of every month. He further reported that a brainstorming session will be held in the future and encouraged residents to attend. Alderman Faivre also thanked Zac Gill and Andy Raih for the information that was provided to residents on Joanne Lane and the work being done there.

Mayor Barnes offered the following report:

- He attended the AAB meeting as well and agreed it was a good meeting. He also thanked Alderman Faivre for attending those meetings as a liaison for Council, and Scott Zak for the social media coverage.
- He and City Manager Nicklas met with the chair of the Citizen Police Review Board to discuss how things are going so far.
- He continues to meet with the aldermen individually on to discuss issues within DeKalb.
- He continues to receive calls from residents of Suburban Apartments and Estates with issues. He thanked those who have helped solve some of those issues, even though the property is in DeKalb County, and not within DeKalb city limits.

2. City Manager Report.

City Manager Nicklas thanked Alderman Larson for her comments regarding the City's interest in helping residents as roads are reconstructed and new water mains are installed, much like the Joanne Lane construction. He further reported that a lead service replacement program proposal will be brought forward at the next Council meeting, which is based upon a survey that was sent out to residents thought to be affected.

Alderman Morris asked if those residents should be concerned about their water and if they should be drinking the water from the tap. City Manager Nicklas replied that a report goes out every quarter regarding the content of lead in the water.

Mayor Barnes stated to Council members that the topic of a proposed lead service replacement program would be good for discussion at their ward meetings. He noted that the Kishwaukee Water Reclamation District (KWRD) also has a program to replace sewer lines.

City Manager Nicklas stated the City is cooperating with KWRD to make residents aware of both programs in order to assist with the funding of the replacement.

Mayor Barnes reported that he was on a webinar with 350 Kishwaukee, a local environmental group, and learned there are quite a few charging stations in the community that aren't listed on various databases. Andy Raih has made contact with an organization that will assist with getting those added to the database.

City Manager Nicklas stated he attended a lunch and learn at the Meta Complex last week, and they had an aisle of eight charging stations for employees and everyone was being used.

O. EXECUTIVE SESSION

There was none.

P. ADJOURNMENT

MOTION: Alderman Faivre moved to adjourn the meeting; seconded by Alderman Larson.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Smith. Mayor Barnes declared the motion passed and adjourned the meeting at 7:01 p.m.

Respectfully submitted,

Ruth A. Scott, Recording Secretary

Minutes approved by the City Council on March 14, 2022.

Click [here](#) to view the agenda packet for the February 28, 2022, Regular City Council meeting.

Click [here](#) to view the video recording of the February 28, 2022, Regular City Council meeting.