

**MINUTES  
CITY OF DEKALB  
REGULAR CITY COUNCIL MEETING  
MAY 11, 2020**

The City Council of DeKalb, Illinois held a Regular City Council meeting on May 11, 2020, 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 6:06 p.m.

Mayor Smith identified the elected persons participating remotely, Alderman Tracy Smith and City Clerk Lynn Fazekas.

City Clerk Fazekas called the roll, and the following members of City Council were present (or attending remotely, as identified above): Alderman Carolyn Morris, Alderman Bill Finucane, Alderman Tracy Smith, Alderman Greg Perkins, Alderman Scott McAdams, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Staff present included: City Manager Bill Nicklas and Interim Police Chief John Petragallo.

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

Mayor Smith led the Pledge.

**C. APPROVAL OF THE AGENDA**

Mayor Smith asked for additions or deletions to the agenda. None were offered.

**MOTION**

Alderman Faivre moved to approve the agenda. Alderman McAdams seconded.

**VOTE**

Motion carried 8-0 on roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: none. Mayor Smith declared the agenda approved.

**D. PUBLIC PARTICIPATION**

Mayor Smith read a comment submitted by Derek Van Buer, who compared video of Alderman McAdams' movements during an incident at Tri-State Towing with the alderman's quoted statements to police about the incident. Mr. Van Buer called Alderman McAdams' statements inaccurate and said he used his office in a personal dispute. He said the alderman should use his office only for the public good.

Mayor Smith read a comment submitted by Adam Woolridge, in which Mr. Woolridge asked whether the mayor would ignore what he called the governor's "illegal orders" and reopen the community.

#### **E. PRESENTATIONS**

1. Proclamation: National Police Week, May 10 – 16, 2020.

Mayor Smith read the proclamation and said he would deliver it to the police chief.

2. Proclamation: National Emergency Medical Services (EMS) Week, May 17 – 23, 2020.

Mayor Smith read the proclamation and said he would deliver it to the fire chief.

#### **F. APPOINTMENTS**

The mayor made no appointments during this meeting.

#### **G. CONSENT AGENDA**

1. Minutes of the Regular City Council Meeting of April 27, 2020.
2. Accounts Payable and Payroll through May 11, 2020 in the Amount of \$2,188,285.65.
3. FY2020 Human Services Funding First Quarter Report.
4. Hospitality Recovery Program Update.

Mayor Smith asked Council if anyone wanted to remove any item. No such request was made. The mayor then read each item of the consent agenda.

#### **MOTION**

Alderman Finucane moved to approve the consent agenda. Alderman Perkins seconded.

#### **VOTE**

Motion carried 8-0 on roll call vote. Aye: Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Morris, Mayor Smith. Nay: none. Mayor Smith declared the consent agenda passed.

#### **H. PUBLIC HEARINGS**

There were none.

#### **I. CONSIDERATIONS**

1. Consideration of the Prevailing Wage Standard for Tax Increment Financing Assistance to Private Developments.

Mark Guethle shared handouts and spoke in favor of the proposal. He said it was adopted in North Aurora, said prevailing wage has no impact on construction costs and helps everybody's wages.

Mayor Smith read a comment submitted by J.J. Wett, who identified himself as a homeowner in Ward Two who wants to see tax dollars used "wisely and fairly," especially TIF dollars. Mr. Wett spoke in favor of the proposal by listing benefits of prevailing wage, including assuring a living wage and the economic benefits of workers spending locally. He cited a study showing no statistical difference in construction costs with or without use of a prevailing wage law.

Mayor Smith read a letter submitted by Jeff Lewis of Klein, Buck, Stoddard & Lewis, who said he was speaking on behalf of John Pappas. Mr. Lewis said Mr. Pappas opposed the proposal because prevailing wage laws apply to public works projects but not to private developments, and many of the construction trades cannot be paid with TIF funds so this would create new TIF restrictions.

Council discussed the proposal at length, including comparison to current restrictions on TIF funds, legality of the proposal, and balancing privacy and autonomy of private developers while supporting the local workforce. There was talk of finding a middle ground, for example by stating a preference for this standard instead of making it a requirement, or by applying it to certain portions of projects or to projects of a certain size.

Several aldermen declared they were comfortable with the status quo, though there was also some willingness voiced for continuing to look for middle ground when the next TIF project comes to Council.

2. Consideration of the Transfer of Road Jurisdiction to DeKalb Township in Several Locations.

City Manager Nicklas described the sections of City roadway that are joined on both sides by township jurisdiction, and the reciprocal advantages of the proposal.

Council consensus called for bringing back the proposal for formal consideration.

3. Consideration of the Municipal Code Chapter 35 "Towing Policy".

Mayor Smith read a comment submitted by Marissa Jackson, president of Tri-State Towing. Ms. Jackson said only one towing company has been getting City business, and she called for development of criteria in which every towing company that qualifies would

be included in a rotation. She also proposed the City use a procedure for resolving towing disputes that does not involve a criminal complaint unless a criminal act has occurred.

Andrew Bjornson of J&S Towing and Salvage recommended relocation companies have truck cameras to ensure the safety of both business owner and the public, to reduce the risk of misrepresentation and to help with customer disputes. Mr. Bjornson also made specific suggestions for application and recordkeeping requirements, including sharing information from the Illinois Commerce Commission. He said the sharing of tow yards by more than one company without separation is an issue.

Council discussion included the view that each tow company should have its own yard and examination of the role of the police chief in towing applications and resolution of towing disputes.

Following discussion, Mayor Smith declared consensus for bringing the proposal back for formal consideration.

## **J. RESOLUTIONS**

1. Resolution 2020-037 Approving an Auditorium Liquor License for Preservation of Egyptian Theatre (P.E.T.), Inc., d/b/a Egyptian Theatre, 135 N. 2nd Street.

Mayor Smith read the resolution by title only.

### **MOTION**

Alderman Finucane moved to approve the resolution. Alderman McAdams seconded.

### **VOTE**

Motion carried 8-0 on roll call vote. Aye: Smith, Perkins, McAdams, Verbic, Faivre, Morris, Finucane, Mayor Smith. Nay: none. Mayor Smith declared the resolution passed.

2. Resolution 2020-038 Authorizing an Agreement for Construction Phase Engineering Services with Crawford, Murphy & Tilly for the Relocation and Replacement of the Existing NAVAID Units on Runway Ends 2, 20, and 27 (IL Project DKB-4556).

Mayor Smith read the resolution by title only.

### **MOTION**

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

### **VOTE**

Motion carried 8-0 on roll call vote. Aye: Perkins, McAdams, Verbic, Faivre, Morris, Finucane, Smith, Mayor Smith. Nay: none. Mayor Smith declared the resolution passed.

## **K. ORDINANCES – SECOND READING**

There were none.

## **L. ORDINANCES – FIRST READING**

1. Ordinance 2020-031 Authorizing an Effective Electrical Utility Tax Rate for Electricity Used or Consumed by Ventus Tech Services, LLC (Project Ventus).

Mayor Smith read the ordinance by title only.

### **MOTION**

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

### **VOTE**

Motion carried 8-0 on roll call vote. Aye: McAdams, Verbic, Faivre, Morris, Finucane, Smith, Perkins, Mayor Smith. Nay: none.

### **MOTION**

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

### **VOTE**

Motion carried 8-0 on roll call vote. Aye: Verbic, Faivre, Morris, Finucane, Smith, Perkins, McAdams, Mayor Smith. Nay: none. Mayor Smith declared the ordinance passed.

## **M. REPORTS AND COMMUNICATIONS**

1. Council Member Reports

Alderman Morris reported she has had extensive communication with residents recently regarding problems with apartments, including eviction experiences. She shared an open letter to owners/property managers and to residents about the unique situation with COVID-19 and the growing problem of homelessness. She urged property owners and renters to renegotiate rents, and renters to avail themselves of as many resources as possible in order to pay as much rent owed as possible.

Alderman Finucane recognized Nurses Week. He also urged residents to continue support of local businesses and food pantries.

Alderman Smith, who had been participating remotely, did not respond to the mayor's invitation to make a report.

Alderman Verbic welcomed Cast Iron Coffee to his ward and he congratulated DeKalb's high school and college graduates of 2020.

Mayor Smith read portions of his latest newspaper columns regarding COVID-19 issues.

2. City Clerk Report

City Clerk Fazekas, who had been participating remotely, did not respond to the mayor's invitation to make a report.

3. City Manager Report

City Manager Nicklas declined to make a report.

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

1. Approval to Hold an Executive Session in Order to Discuss Personnel as Provided for in 5 ILCS 120/2(c)(1).

Mayor Smith read the subject of the executive session.

**MOTION**

Alderman Perkins moved to recess for executive session. Alderman Verbic seconded.

City Clerk Fazekas did not respond to the request for roll call, so Mayor Smith asked Executive Assistant Ruth Scott to call the roll on the vote.

**VOTE**

Motion carried 7-0-1 on roll call vote. Aye: Morris, Finucane, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: none. Absent: Alderman Smith. Mayor Smith declared a recess at 7:52 p.m.

**O. ADJOURNMENT**

**MOTION**

Following adjournment of the executive session, Alderman McAdams moved to adjourn the regular meeting at 8:22 p.m. Alderman Faivre seconded.

**VOTE**

Motion carried by majority voice vote. Mayor Smith declared adjournment at 8:22 p.m.

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LYNN A. FAZEKAS, City Clerk

Approved by City Council: May 26, 2020.