

**MINUTES  
CITY OF DEKALB  
REGULAR CITY COUNCIL MEETING  
MAY 13, 2019**

The City Council of DeKalb, Illinois held a Regular City Council meeting on May 13, 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 David Jacobson, Alderman Bill Finucane, Alderman Pat Fagan, Alderman Kate Noreiko, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Absent: Alderman Joyce Stupegia.

Staff present included: City Manager Bill Nicklas, Assistant City Manager Ray Munch, City Attorney Dean Frieders, and Transit Manager Marcus Cox.

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

American Legion members Dan Gallagher, Mike Embrey, Rob McCann, Margaret McCann, and Manuel Olalde led the Pledge.

**C. APPROVAL OF THE AGENDA**

Mayor Smith asked if there were additions or deletions to the agenda. There were none.

**MOTION**

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

**VOTE**

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

**D. PUBLIC PARTICIPATION**

Resident Dwayne Brown talked about the City's ongoing challenges, including economic development, lowering bar and sales tax, tourism promotion, streets plan, NIU enrollment, and the failures of past leaders, including unbalanced budgets.

## **E. PRESENTATIONS**

1. Swearing in of Newly Elected City Council Members by the Honorable Judge Philip Montgomery:
  - a. Carolyn Morris, First Ward Alderman (2019-2023)
  - b. Tracy Smith, Third Ward Alderman (2019-2023)
  - c. Scott McAdams – Fifth Ward Alderman (2019-2023)
  - d. Anthony Faivre – Seventh Ward Alderman (2019-2023)

Hon. Judge Montgomery administered the oath of office to each of the four new aldermen.

2. Proclamation: Declaring May 2019 as American Veterans Month in the City of DeKalb, Illinois.

Mayor Smith read the proclamation and presented it to American Legion Commander Daniel Gallagher. Post Bugler Mike Embrey made a related announcement: A program called DeKalb Hometown Heroes will honor local veterans and service members with banners displayed downtown – the first honoree being Mayor Smith.

3. DeKalb County Youth Service Bureau FY2019 Human Services Funding Report by Executive Director Diana Hulst.

Ms. Hulst reviewed services provided by YSB, which she said began 50 years ago as a division of the City.

## **F. APPOINTMENTS**

1. Reappointment of Joyce Stuegia to the Police Pension Board for the Completion of a Two-Year Term through May 31, 2020.
2. Appointment of Steve Honeywell to the Citizens' Environmental Commission for the Completion of a Two-Year Term through December 31, 2020.
3. Appointment of Grant Goltz to the Economic Development Commission for the Completion of a Three-Year Term through December 31, 2021.

Mayor Smith read each item of appointment. He asked whether Council would like to appoint each member separately or in omnibus fashion.

MOTION

Alderman Finucane moved to make the three appointments in one omnibus vote. Alderman Fagan seconded.

VOTE

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

MOTION

Alderman Finucane moved to approve the appointments. Alderman Fagan seconded.

VOTE

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

**G. CONSENT AGENDA**

1. Minutes of the Regular City Council Meeting of April 22, 2019.
2. Accounts Payable and Payroll through May 13, 2019, in the Amount of \$3,371,686.06.
3. Investment and Bank Balance Summary through February 2019.
4. Year-to-Date Revenues and Expenditures through February 2019.
5. Human Services Funding 1st Quarter Report.
6. Minutes of the Joint Review Board Meeting of January 25, 2019.
7. Minutes of the Joint Review Board Meeting of February 1, 2019.
8. Minutes of the Joint Review Board Meeting of February 15, 2019.

Mayor Smith read each item of the consent agenda.

MOTION

Alderman Morris moved to approve the consent agenda. Alderman Verbic seconded.

## VOTE

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

## H. PUBLIC HEARINGS

There were none.

## I. CONSIDERATIONS

### 1. Consideration of a Request by Barb City Manor, Inc. to Extend the Current Lease with the City of DeKalb.

Executive Director Maureen Gerrity spoke on behalf of residents, staff, and board of directors in extending gratitude for BCM's partnership with the City. BCM is the only non-medical senior living facility for seniors with low-to-moderate income, with amenities that allow them to age in place. BCM also has a mission to preserve the old hospital building in its historic integrity and a yearly grant of tax increment financing (TIF) has helped.

Alderman Fagan asked about the preference of the BCM board of directors. Ms. Gerrity says its preference is renewal of the lease and new funding source when the TIF expires.

Resident John Anderson spoke in support of the City's renewing the lease with BCM.

City Manager Nicklas and Council discussed the following points:

- Rollover of TIF contributions if the entire \$100,000 isn't used in a given year.
- Possible transfer of ownership from City to BCM.
- Finding a capital funding source for repairs.
- A five-year phase-out plan with an accompanying marketing plan.

Mayor Smith declared consensus that Council wants to see BCM continue, but it must become self-sustaining.

### 2. Consideration of a Joint Review Board Recommendation to Consider the Early Termination of Tax Increment Financing District #1.

City Manager Nicklas said 50% of the yearly increment in TIF 1 is released as surplus to all the taxing bodies, but TIF 3 will be much smaller, so the same agreement cannot be applied. The proposal is to terminate activity in TIF 1 in

its last year, he said, and surplus the increment to the other taxing bodies up front. He asked Council for its opinion.

Alderman Verbic asked about the forensic audits of the TIF districts and whether outcomes might include financial liabilities that would affect ability to fund projects. City Manager Nicklas answered that the audits have not yet begun and may take three to six months to complete. He said the situation could be monitored via rough audits and status reports, and that it's possible the city's share of TIF surplus, about \$350,000, could go into escrow.

Consensus of Council members was to proceed as the Joint Review Board recommends.

**3. Consideration of a Request from John Pappas for Tax Increment Financing Assistance to Redevelop the Properties at 204 N. Fourth Street and 423/420 Oak Street (former Mooney Property).**

Alderman Fagan was not present for this discussion.

City Manager Nicklas presented the plot and floor plans and explained how the \$3 million in TIF funds would be used.

Two Aldermen expressed doubt that Cornerstone, a completed project by the same developer, has achieved 100% occupancy as claimed. Also discussed were the City's capacity to provide TIF incentive, and further details about the planned residential units and environmental remediation.

Mayor Smith declared consensus to move forward with a preliminary development agreement, and confirmed Alderman Fagan had recused himself from the discussion.

**4. Consideration of a Request from Safe Passage for Tax Increment Financing Assistance to Demolish the Former DeKalb Clinic at 217 Franklin Street and Relocate a Neighborhood Sewer Main.**

City Manager Nicklas said the board approached the City about help with the sanitary main relocation. The agency is tax-exempt so there would be no gain in EAV, but would be a project that fights blight, he said.

Council consensus was to proceed.

**5. Downtown Pianos.**

Mike Embrey is applying for an encroachment permit to place a couple of colorful, working pianos downtown during the warm months, as is done in Fort

Collins, CO. He said he plans to get sponsors so there would be no cost to the City.

Aldermen asked about rain, noise levels, and adherence to the Americans with Disabilities Act.

Council consensus was to give the pianos a try.

## J. RESOLUTIONS

### 1. **Resolution 2019-075 Approving a Liquor Production Liquor License for Byer's Brewing LLC, 230 E. Lincoln Highway.**

Mayor Smith read the resolution by title only.

#### MOTION

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

#### VOTE

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

### 2. **Resolution 2019-076 Approving a Hospitality Liquor License for Family Fun Center LLC, d/b/a Mason Indoor Golf, 1500 Sycamore Road, with Supplemental Licensure for Video Gaming.**

Mayor Smith read the resolution by title only.

#### MOTION

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

#### VOTE

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

### 3. **Resolution 2019-077 Authorizing an Architectural Improvement Program Grant to the DeKalb Area Women's Center in the Amount of \$3,250.**

Mayor Smith read the resolution by title only.

MOTION

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

VOTE

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

**4. Resolution 2019-078 Authorizing an Online Agreement with Google Transit for Trip Planning Capabilities.**

Mayor Smith read the resolution by title only. He credited Transit Manager Cox for the idea of this agreement.

MOTION

Alderman Finucane moved to pass the resolution. Alderman Smith seconded.

VOTE

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

**5. Resolution 2019-079 Approving a Non-Profit Special Event Liquor License for the 2019 Corn Fest.**

Mayor Smith read the resolution by title only.

MOTION

Alderman Morris moved to pass the resolution. Alderman McAdams seconded.

Mayor Smith noted that Alderman Fagan was recusing himself from discussion and vote.

VOTE

Motion carried 7-0-1 on roll call vote. Aye: Morris, Finucane, Smith, McAdams, Verbic, Faivre, Mayor Smith. Nay: none. Absent: Fagan (recusal). Mayor Smith declared the resolution passed.

**K. ORDINANCES – SECOND READING**

There were none.

## L. ORDINANCES – FIRST READING

- 1. Ordinance 2019-038 Amending Chapter 38 “Intoxicating Liquors”, Section 38.27(c)8 “Gambling Devices”, by Revising the Fixed Number of Liquor Licenses for Establishments that Qualify as Video Gaming Establishments to Include the Properties Located at 110-124 E. Hillcrest Drive and 1704 Sycamore Road.**

Mayor Smith read the ordinance by title only.

### MOTION

Alderman McAdams moved to pass first reading. Alderman Smith seconded.

City Manager Nicklas clarified the number of gaming licenses will stay the same at 10.

### VOTE

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

### MOTION

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

### VOTE

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

- 2. Ordinance 2019-039 Amending Chapter 51 “Traffic”, Schedule C Parking Prohibited”, Schedule E “Limited Parking”, Schedule F “Limited Parking – Central Business District”, and Repealing Schedule K “Reserved Parking Stalls”, as they Pertain to On-Street and Public Lot Parking in Downtown DeKalb.**

Mayor Smith read the ordinance by title only.

### MOTION

Alderman Finucane moved to pass first reading. Alderman Verbic seconded.



## VOTE

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

## MOTION

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

## VOTE

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

## **M. REPORTS AND COMMUNICATIONS**

### **1. Council Member Reports**

Alderman Finucane welcomed new Council members.

Alderman Smith announced new Council members' City email accounts are now active.

Alderman McAdams announced a Saturday cleanup on the old Protano's property.

Alderman Verbic congratulated DeKalb's graduating seniors and noted there are many commencement programs scheduled at NIU's Convocation Center.

Alderman Faivre announced the first Urban Challenge downtown on Saturday.

Mayor Smith pointed out a light bulb and a baseball sitting on the dais in front of him. He said they symbolized, respectively, that the Glidden Homestead barn would be getting electricity during its restoration, and that he'd thrown out the first pitch for the NIU-Ball State game. He gave thanks to the outgoing Aldermen and encouraged the newly seated Aldermen to participate.

### **2. City Clerk Report**

Clerk Fazekas said she was in possession of a device charger and cord left in Chambers, probably belonging to a laptop, and to see her to claim them.

### **3. City Manager Report**

Manager Nicklas had no report.

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

Approval to Hold an Executive Session to Discuss:

1. Personnel as Provided for in 5 ILCS (120/2)(c)(1);
2. Purchase or Lease of Real Property as Provided for in 5 ILCS (120/2)(c)(5);
3. Pending or Imminent Litigation as Provided for in 5 ILCS (120/2)(c)(11); and
4. Sale or Lease of Real Property as Provided for in 5 ILCS (120/2)(c)(6).

Mayor Smith read each discussion item for Executive Session.

MOTION

Alderman Faivre moved to recess for Executive Session. Alderman McAdams seconded.

VOTE

Motion carried 8-0 on roll call vote. Aye: Verbic, Faivre, Morris, Finucane, Smith, Fagan, McAdams, Mayor Smith. Nay: none. Mayor Smith declared the recess at 8:25 p.m.

**O. ADJOURNMENT**

MOTION

Following the close of Executive Session, Alderman Faivre moved to adjourn the Regular Meeting. Alderman McAdams seconded.

VOTE

Motion was approved on majority voice vote. Mayor Smith declared the meeting adjourned at 9:28 p.m.

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**LYNN A. FAZEKAS**, City Clerk

Approved by City Council: May 28, 2019.