

**MINUTES  
CITY OF DEKALB  
REGULAR CITY COUNCIL MEETING  
JUNE 8, 2020**

The City Council of DeKalb, Illinois held a Regular City Council meeting on June 8, 2020 in the City Council Chambers of the DeKalb Municipal Building, 200 S. Fourth Street, DeKalb, Illinois.

**A. CALL TO ORDER AND ROLL CALL**

Mayor Smith called the meeting to order at 6:01 p.m.

Prior to roll call, Mayor Smith asked all to join him in a moment of silence in memory of former City Clerk Marguerite "Peggy" Hoyt.

**B. PLEDGE OF ALLEGIANCE**

Mayor Smith led the Pledge of Allegiance.

**C. APPROVAL OF THE AGENDA**

MOTION

Alderman Smith moved to approve the agenda; seconded by Alderman Morris.

VOTE

Motion carried by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Mayor Smith declared the motion passed.

**D. PUBLIC PARTICIPATION**

Mayor Smith read into the record a public comment submitted electronically by Tony Verbic regarding cloth facemasks and possible violations regarding Occupational Safety and Health Administration regulations, as well as the possibility of 5G fifth-generation wireless technology deployment near DeKalb High School.

**E. PRESENTATIONS**

There were none.

**F. APPOINTMENTS**

There were none.

**G. CONSENT AGENDA**

MOTION

Alderman Verbic moved to approve the Consent Agenda; seconded by Alderman McAdams.

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

1. Minutes of the Regular City Council Meeting of May 26, 2020.
2. Accounts Payable and Payroll through June 8, 2020 in the Amount of \$1,649,599.09.
3. Resolution 2020-052 Designating Assistant Human Resources Director Michelle Anderson as the Authorized Agent of the Illinois Municipal Retirement Fund (IMRF) for the City of DeKalb.

#### VOTE

Motion carried by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Mayor Smith declared the motion passed.

#### H. PUBLIC HEARINGS

##### 1. Rebuild Illinois Regional Economic Development (RIRED) Project Grant.

Mayor Smith opened the Public Hearing at 6:12 p.m. and read the following required information into the record:

*This Public Hearing is taking place in the City of Dekalb City Hall.*

*The State has allocated \$16,500,000 in Rebuild Illinois funds to the competitive Regional Economic Development (RIRED) component. A grant ceiling of \$2,000,000 per project has been established. Grants for less than \$250,000 will not be awarded. The Governor's Five-Year Economic Development Plan recognizes the importance of regional economic development as a strategy to create sustainable and resilient growth. The objective of this program is to provide grants to strengthen local economies and encourage the development of industry clusters.*

*The City of Dekalb intends to apply to the Illinois Department of Commerce and Economic Opportunity for a grant from the Rebuild Illinois program. These grant funds are to be used for a community development project that will include the following activities: for the construction of a new road to maintain easy access to a regional commercial attraction and support the agricultural business of DeKalb's heritage in the near future. Additionally, the new road will be terrifically positioned to aid in the longer term economic development of the region as the data center, and recently established neighboring food company facility, that continue to elevate economic interest in the region.*

*The total amount of Rebuild Illinois Regional Economic Development grant funds to be requested is by the City of DeKalb is \$741,381.71. The City of DeKalb also proposes to expend \$247,127.24 in non-Rebuild Illinois funds on the project. These non-Rebuild Illinois funds will be derived from the following sources: The City's state capital improvement bonds. Both the Rebuild and non-Rebuild Illinois funds will be used for the construction of the new road.*

*The consolidation of a contiguous 500-acre parcel was make-or-break for the City of DeKalb to secure the commitment of a new data center development and its estimated one-billion-dollar investment. The vacation and removal of an existing public rural road was necessary to accommodate this consolidation. While the reward of the new data center is great, the road network would suffer, negatively impacting commerce of both recreational and agricultural kinds in the region. A proposed new rural road is desired to maintain easy access to a regional commercial attraction and support the agricultural business of DeKalb's heritage in the near future. Additionally, the new road will be terrifically positioned to aid in the longer-term economic development of the region as the data center, and recently established neighboring food company facility, continue to elevate interest in the region.*

*This rural road would be approximately a mile long, providing a two-lane fully paved north-south connection between Gurler and Keslinger Roads, interconnecting industrial, commercial, and agricultural areas, and laying half a mile from a major interchange with Interstate 88. Such a project requires ROW acquisition of approximately 8 acres, establishment of drainage ditches and aggregate roadbed, and hot-mix asphalt paving.*

*While the data center does not utilize the new rural road for its primary access, it is important to appreciate that without this pledged re-configuration of the local transit network, the DeKalb region would not have qualified to host the now secured transformative Illinois data center development.*

*The City of DeKalb is requesting this grant funding because they are unable to fund this vital economic development-related infrastructure project on their own. With limited surplus funds, it would be imprudent to allocate all of the City's financial assets to the project. The City is ready to move forward with the project immediately; they just need financial assistance to make it happen.*

*The proposed project will not displace any residents or businesses in the project area or within the City of DeKalb.*

*The City of DeKalb's detailed, prioritized list of community development and housing needs include the following:*

- *Facilitate a business-friendly environment that supports existing merchants while attracting new investment to areas in need of commercial development.*
  - *Promote and encourage local business collaboration.*
  - *Foster local entrepreneurship and business development and sustainability.*

- *Develop retention and recruitment strategies to complement the existing commercial mix and leverage existing resources throughout the City.*
- *Create an attractive climate for commercial and industrial investment.*
  - *Ensure DeKalb's business regulatory infrastructure reflects best practice.*
  - *Upgrade DeKalb's building stock and structural profile.*
  - *Leverage DeKalb's workforce, educational, and locational assets (highways, rail, airport, broadband, available commercial and industrial space, educated and skilled workforce).*
  - *Enhance the value, appearance, and vitality of the City's neighborhoods.*
- *Position downtown DeKalb for long-term success.*
  - *Develop resources to assist business start-up and growth.*
  - *Align downtown parking to community needs.*
  - *Improve the pedestrian and aesthetic environment of downtown.*
  - *Evaluate emerging public space technology trends and construct the infrastructure necessary to support them.*
  - *Support enterprises that enhance the vitality of the downtown.*
- *Bridge NIU and the City, whenever feasible, to create a mutually beneficial environment.*
- *Conserve, protect and enhance DeKalb's natural resources.*
- *Develop and promote cultural, social, educational, and recreational activities that appeal to a wide range of interests and age groups.*

Mayor Smith then asked if there was anyone present wishing to speak to this item; no one came forward.

Mayor Smith closed the Public Hearing at 6:21 p.m.

**2. Community Development Block Grant Consolidated Annual Performance and Evaluation Report for Program Year 2019 (April 1, 2019 – March 31, 2020).**

Mayor Smith opened the Public Hearing at 6:22 p.m. and asked if there was anyone present wishing to speak to this item; no one came forward.

City Manager Nicklas provided an overview of this item.

Mayor Smith closed the Public Hearing at 6:23 p.m.

**I. CONSIDERATIONS**

There were none.

## J. RESOLUTIONS

- 1. Resolution 2020-053 Authorizing a Real Estate Purchase Agreement and the Sale of Real Property Located at 1101 N. First Street (PIN 08-14-305-018) in the Amount of \$75,000.**

Mayor Smith read the resolution by title only.

### MOTION

Alderman Finucane moved to approve Resolution 2020-053; seconded by Alderman Faivre.

City Manager Nicklas provided an overview of this item, noting the property was originally approved to be sold to another individual, who then defaulted on the purchase.

### VOTE

Motion carried by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Mayor Smith declared the motion passed.

- 2. Resolution 2020-054 Authorizing an Amendment to an Intergovernmental Agreement with the Illinois Department of Transportation – Division of Aeronautics for Rehabilitation of the Entrance Road, Parking Lot and T-Hangar Pavement at the DeKalb Taylor Municipal Airport as it Pertains to Extending the Expiration Date to August 14, 2022 (DKB-4431).**

Mayor Smith read the resolution by title only.

### MOTION

Alderman Faivre moved to approve Resolution 2020-054; seconded by Alderman Perkins.

City Manager Nicklas provided an overview of this item. There was no further discussion.

### VOTE

Motion carried by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Mayor Smith declared the motion passed.

- 3. Resolution 2020-055 Authorizing a License Agreement with Meijer, Inc. for the Use of Store Premises (541 Puri Parkway, Sycamore) for the Provision of Public Transit Service.**

Mayor Smith read the resolution by title only.

MOTION

Alderman Finucane moved to approve Resolution 2020-055; seconded by Alderman McAdams.

City Manager Nicklas provided an overview of this item. There was no further discussion.

VOTE

Motion carried by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Mayor Smith declared the motion passed.

4. **Resolution 2020-056 Authorizing an Intergovernmental Grant Agreement with the Illinois Department of Transportation – Aeronautics for a CARES Act Grant in the Amount of \$30,000 for DeKalb Taylor Municipal Airport Operations (Project ILL-4853).**

Mayor Smith read the resolution by title only.

MOTION

Alderman Morris moved to approve Resolution 2020-056; seconded by Alderman McAdams.

City Manager Nicklas provided an overview of this item. There was no further discussion.

VOTE

Motion carried by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Mayor Smith declared the motion passed.

5. **Resolution 2020-057 Authorizing a Master Lease Purchase Agreement with Tax-Exempt Leasing Corp. for Lease Financing of Equipment for Various City Departments in the Amount of \$296,710.**

Mayor Smith read the resolution by title only.

MOTION

Alderman Morris moved to approve Resolution 2020-057; seconded by Alderman Verbic.

City Manager Nicklas provided an overview of this item. There was no further discussion.

#### VOTE

Motion carried by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Mayor Smith declared the motion passed.

**6. Resolution 2020-058 Authorizing the Commitment of Local Motor Fuel Tax (MFT) Funds as a Local Match to Secure REBUILD Illinois Grant Funds to Support the Establishment and Construction of a New Rural Road Connecting Gurler Road and Keslinger Road.**

Mayor Smith read the resolution by title only.

#### MOTION

Alderman Smith moved to approve Resolution 2020-058; seconded by Alderman McAdams.

City Manager Nicklas provided an overview of this item, which was also subject to a Public Hearing earlier in the meeting. There was no further discussion.

#### VOTE

Motion carried by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Mayor Smith declared the motion passed.

### **K. ORDINANCES – SECOND READING**

There were none.

### **L. ORDINANCES – FIRST READING**

**1. Ordinance 2020-039 Amending Chapter 51 “Traffic”, Section 51.20 “Parades, Processions and Marches”, by Adding “Runs, Walks and Rides”.**

Mayor Smith read the ordinance by title only.

#### MOTION

Alderman Morris moved to approve Ordinance 2020-039 on First Reading; seconded by Alderman Perkins.

City Manager Nicklas provided an overview of this item. There was no further discussion.

#### VOTE

Motion carried by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Mayor Smith declared the motion passed.

#### MOTION

Alderman Verbic moved to waive Second Reading and approve Ordinance 2020-039; seconded by Alderman Morris.

#### VOTE

Motion carried by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Mayor Smith declared the motion passed.

## **2. Ordinance 2020-040 Amending Chapter 35 “Towing Policy”.**

Mayor Smith read the ordinance by title only.

#### MOTION

Alderman McAdams moved to approve Ordinance 2020-040 on First Reading; seconded by Alderman Morris.

Shannon Lovett of Lovett’s Towing addressed Council about several concerns they have regarding the City’s towing policy, which included not allowing more than one towing company to operate out of one impound/location, minimum lot size requirements per towing company if providing more than one service for relocation for the DeKalb County Sheriff’s Department, the DeKalb Police Department, and the Northern Illinois University Police Department, not allowing the transfer or subcontracting of towing services, a minimum equipment requirement for the heavy duty/medium duty tow rotation list, limiting the rotation list to meet only the "needs" of the DeKalb Police Department, limiting relocation licenses, removing the ICC license requirement from Chapter 35, and the review of relocation rates.

City Manager Nicklas then provided an overview of this item.

Following the overview, there was discussion among Council regarding Mr. Lovett’s concerns, specifically relating to allowing more than one towing company to operate out of one impound/location.

City Manager Nicklas noted that some business considerations are beyond Council's purview.

#### VOTE

First Reading approved by a 6-2 roll call vote. Aye: Morris, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: Finucane, Smith.

Mayor Smith asked if any Council member would entertain a motion to waive Second Reading of the ordinance.

Discussion ensued, with some Council members hesitant to move forward with waiving Second Reading.

City Manager Nicklas stated that with everything going on in the community at this time, he wasn't sure when he'd be able to get the ordinance back on the agenda for Second Reading. He encouraged Council to move forward with the ordinance as written as there was some sense of urgency for what's there now.

#### MOTION

Alderman Faivre moved to waive Second Reading and approve Ordinance 2020-040; seconded by Alderman Verbic.

#### VOTE

Motion carried by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Mayor Smith declared the motion passed.

- 3. Ordinance 2020-041 Approving a Rezoning from "CBD" Central Business District to "PD-C" Planned Development – Commercial District, and Approving a Preliminary and Final Development Plan to Allow for a Building Contractor's Office and Materials Storage at 421 Grove Street (Christa and Matt Gehrke).**

Mayor Smith read the ordinance by title only.

#### MOTION

Alderman McAdams moved to approve Ordinance 2020-041 on First Reading; seconded by Alderman Faivre.

City Manager Nicklas provided an overview of this item.

Discussion ensued among Council regarding the zoning of the property and the effect it might have on the residential area.

City Manager Nicklas noted that residents of the area were supportive of the plan.

Brief discussion then ensued regarding the fencing to be used, landscaping to be added and the type of deliveries that would be made to the company.

Mayor Smith noted that although this ordinance only addressed the rezoning of the property, the Gehrke's were also seeking Tax Increment Financing (TIF) assistance for the relocation.

City Manager Nicklas then provided a brief overview of the TIF request, noting the project was TIF eligible.

Following brief discussion, there was consensus among Council that they would support providing TIF assistance.

#### VOTE

Motion carried by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Mayor Smith declared the motion passed.

4. **Ordinance 2020-042 Approving a Rezoning from the "GC" General Commercial District to the "PD-C" Planned Development – Commercial District, and Approving a Preliminary and Final Development Plan to Accommodate a Four-Story Executive Suites Residential Complex with 59 Dwelling Units and Ground Level Commercial Space with a Banquet/Conference Room at 2675 Sycamore Road (2675 Sycamore Road Development, LLC – Isaac Suites).**

Mayor Smith read the ordinance by title only.

#### MOTION

Alderman Smith moved to approve Ordinance 2020-042 on First Reading; seconded by Alderman McAdams.

City Manager Nicklas provided an overview of this item, noting it's a unique project that's well vetted by the neighborhood. He also stated that additional watermain will be provided to improve the water quality of the surrounding properties. City Manager Nicklas further stated that the Planning and Zoning Commission is in favor of the project.

Brief discussion ensued.

#### VOTE

Motion carried by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Mayor Smith declared the motion passed.

#### MOTION

Alderman Finucane moved to waive Second Reading and approve Ordinance 2020-042; seconded by Alderman Smith.

#### VOTE

Motion carried by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Mayor Smith declared the motion passed.

### **M. REPORTS AND COMMUNICATIONS**

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

Alderman Morris acknowledged the agony the community is experiencing at this time due to the death of George Floyd in Minneapolis, Minnesota. She also acknowledged the protesters and thanked them for bringing attention to the struggle.

Alderman Finucane acknowledged the peaceful protests. He also reported that while the death of Mr. Floyd is horrible, there's no excuse for criminal behavior.

Alderman McAdams acknowledged the special Human Relations Commission meeting June 16, 2020 and encouraged involvement from the community.

Mayor Smith reported this may be the last time a Council meeting is held in Council chambers, adding that future Council meetings will be held at the DeKalb Public Library in the Yusunas Room beginning June 22, 2020.

Mayor Smith also reported that the new city hall is up and operating at 164 E. Lincoln Highway and thanked staff for making the move possible.

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

City Clerk Fazekas was absent. Executive Assistant Scott had no report.

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

City Manager Nicklas reported on the upcoming special Human Relations Commission meeting. He also reported that March sales tax numbers weren't as bad as they were expected to be. A more detailed report will be provided at the June 22, 2020 Council meeting.

Lastly, City Manager Nicklas reported that the new City Hall is open for business and encouraged citizens to visit.

## **N. EXECUTIVE SESSION**

Mayor Smith read the following Executive Session citations by title only:

Approval to Hold an Executive Session in Order to Discuss:

1. Pending or Imminent Litigation as Provided for in 5 ILCS 120/2(c)(11); and
2. Executive Session Minutes as Provided for in 5 ILCS 120/2(c)(21).

### **MOTION**

Alderman Faivre moved to recess for Executive Session; seconded by Alderman Verbic.

### **VOTE**

Motion carried by an 8-0 roll call vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Mayor Smith declared the meeting in recess for Executive Session at 7:38 p.m. and closed the meeting to the public.

Mayor Smith opened the meeting to the public at 8:06 p.m.

## **O. ADJOURNMENT**

### **MOTION**

Alderman Verbic moved to adjourn the Regular meeting; seconded by Alderman McAdams.

### **VOTE**

Motion carried by an 8-0 voice vote. Aye: Morris, Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Mayor Smith declared the motion passed and adjourned the Regular meeting at 8:06 p.m.

Respectfully submitted:

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**RUTH A. SCOTT**, Executive Assistant

Approved by City Council: June 22, 2020.