

**MINUTES  
CITY OF DEKALB  
CITY COUNCIL REGULAR MEETING  
JUNE 27, 2022**

The City Council of DeKalb, Illinois held a Regular meeting on June 27, 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.

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

City Clerk Sasha Cohen was absent.

Others in attendance included City Manager Bill Nicklas, City Attorney Matt Rose, and Chief Building Official Dawn Harper.

**B. PLEDGE OF ALLEGIANCE**

Mr. Shadow Gentry led the Pledge of Allegiance.

**C. APPROVAL OF THE AGENDA**

MOTION: Alderman Larson moved to approve the agenda; seconded by Alderman Smith.

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

**D. PRESENTATIONS**

1. Proclamation: LGBTQIA+ Pride Month – June 2022.

Mayor Barnes read the proclamation in its entirety.

2. Presentation of the Final Audit Report for the Fiscal Year Ending December 31, 2021.

City Manager Nicklas provided a brief overview of this item prior to the presentation. The final audit report consists of the Annual Comprehensive Financial Report (ACFR), the Single Audit Report, the Report on Compliance with Public Act 85-1142 (TIF Report), the Downstate Operating Assistance Certification, and the Independent Auditor's Reports, and the Management Letter.

Brian LeFevre of Sikich made a presentation to Council based on the information provided in the FY2021 ACFR. Mr. LeFevre also reported that the City had been awarded the Certificate of Achievement for Excellence in Financial Reporting for the 28<sup>th</sup> consecutive year.

There were no questions from Council following the presentation.

Mayor Barnes commended City Manager Nicklas, Finance Director Carrie Dittman, and City staff for their work on the audit.

#### **E. PUBLIC PARTICIPATION**

There was none.

#### **F. APPOINTMENTS**

There were none.

#### **G. APPROVAL OF THE MINUTES**

##### 1. Minutes Submitted by the City Clerk

There were none.

##### 2. Minutes Submitted by the Recording Secretary

Mayor Barnes read the following by title only:

###### a. Minutes of the Regular City Council Meeting of June 13, 2022.

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

VOTE: Motion carried by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. 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 June 27, 2022, in the Amount of \$2,426,487.01.
2. Freedom of Information Act (FOIA) Report – May 2022.
3. DeKalb County Economic Development Corporation 2021 Annual Report.

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

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

#### **I. PUBLIC HEARINGS**

Mayor Barnes opened the Public Hearing at 6:17 p.m. and read the following by title only:

1. Public Hearing to Consider the Revocation of a Special Use Permit Approved by Ordinance 2012-070 for a Vehicle Salvage Yard Located at 1008 Oak Street (DIMCO).

Mr. Meyers from DIMCO stated he took ownership of the salvage yard approximately a year and a half ago and he wasn't aware of the special use permit until after the purchase. He further stated that he's attempting to combine other business locations with the one in question. Due to market fluctuations, delivery issues, and the closing of General Iron, the piles started getting higher. Currently, they're working to clean up the east side of property where scrap metal is stored, and they've been working with the City to keep balers on that side to process material. Mr. Meyers further stated that with the City's permission, he can have the yard cleaned up in 90 days.

Mayor Barnes confirmed that Mr. Mr. Meyers is requesting 90 days to clean up the property.

Alderman Larson asked Mr. Meyers if he would be installing new fencing, since one of the violations is centered around that. Mr. Meyers replied that he's going to be improving the property all together and permit applications have been submitted. He added the property will never get to this state again.

Mayor Barnes stated he's received many complaints about the property.

Brief discussion continued.

Alderman Morris stated she supports a 90-day extension.

Mayor Barnes closed the Public Hearing at 6:27 p.m.

## **J. CONSIDERATIONS**

There were none.

## **K. RESOLUTIONS**

### **1. Resolution 2022-049 Authorizing an Intergovernmental Agreement (IGA) with the DeKalb Community Unit School District No. 428 as it Pertains to School Resource Officers (SROs).**

Mayor Barnes read the resolution by title only.

MOTION: Alderman Larson 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. The IGA has been under discussion throughout the past few weeks and the D428 Board of Education recently voted to approve it. The agreement, which has a term of three years, would allow five SROs beginning with the 2022-2023 school year. Two will be assigned to the high school, one will be assigned at each middle school, and one will be assigned for the six elementary schools.

Continuing, City Manager Nicklas stated the district's code of conduct, which is still under review, will be distributed to all students and parents. He also briefly described the indemnity clause in the agreement, which has been adjusted to modern standard.

Stating he agrees that SROs shouldn't pursue truancy and residency investigation, Alderman Verbic commented that he'd like to see the portion of the agreement that involves truancy to be rewritten to include that truancy and residency fraud as criminal, as per state statute.

City Attorney Rose stated there are violations that could be criminal, but the actual statutory provisions for truancy and residency within the school code are not criminal in nature and cannot be investigated or prosecuted by the City.

Alderman Larson urged collaboration between the City and the district to make the schools a safe place for the students.

Alderman Larson then asked Police Chief Byrd about the timeline for training new SROs. Police Chief Byrd replied that interviews are scheduled this week for two new SROs. Once selected, those SROs will start training sometime in July.

City Manager Nicklas added that the district is included in the SRO selection process. He also noted that the City and the district are working together to create a community service program.

Alderman Morris asked how the code of conduct will be distributed.

Commenting on Alderman Larson's statement, the district's school board director, Samantha McDavid, stated that all parents and students will be informed of what is expected of them throughout the school year.

As for when the code of conduct will be distributed, Ms. McDavid stated there are a few more steps they need to take, including allowing additional parental input. Further, there will be a requirement at registration that parents must acknowledge the contents of the document. A variety of other media campaigns will also be used to ensure that parents and students understand the expectations. She noted an orientation could be scheduled where parents and students would be required to watch a short video and sign off on the student handbook, a digital citizenship document, and the code of conduct.

Alderman Morris suggested creating a one-to-two-page summary of the code of conduct. Ms. McDavid agreed.

There was brief discussion regarding the creation of a reciprocal reporting system, which is mentioned in the IGA, and how that report could be shared with the Council.

Alderman Verbic asked about goals that could be set in order to reduce the number of SROs. City Manager Nicklas commented that the City and the district can collaborate to produce an incident report on a monthly basis.

Alderman Smith commented on the code of conduct being provided in draft form. City Manager Nicklas stated the district approves the document, not the Council. The draft document was included as an exhibit to the IGA.

Alderman Smith then stated he isn't happy with how the code of conduct is written at this time. He added that he doesn't want to see the City's SROs get hurt and he will hold the school board accountable.

Ms. McDavid stated it was her understanding that the City approached D428 about adding more SROs. She added that she agrees that what's occurring in the schools right now isn't safe and the district doesn't want anyone to be hurt either and the district wants to work on the issue with the City in partnership.

Mayor Barnes stated he's been at multiple school board meetings where this item has been discussed and he feels there's commitment from the district to address and reduce the number of incidents within the schools to create a safe environment for all students. He further commented on incidents within certain housing developments that affect students and their behavior.

Ms. McDavid stated the school board has approved significant investment in social workers and counselors, as well as a revamp of the social/emotional plan, and addressing student needs at the root cause.

Alderman Perkins asked Police Chief Byrd if he's in agreement with code of conduct, to which Police Chief Byrd stated he was.

Alderman Perkins then asked if it was the expectation that the code of conduct will be in place for the upcoming school year, to which Ms. McDavid replied in the affirmative.

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

**2. Resolution 2022-054 Receiving and Filing the FY2021 Annual Comprehensive Financial Report (ACFR), Single Audit Report, Report on Compliance with Public Act 85-1142 (TIF Report), Downstate Operating Assistance Certification and Independent Auditor's Reports, and Management Letter.**

Mayor Barnes read the resolution by title only.

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

City Manager Nicklas spoke briefly to this item based on the information provided in the agenda packet and the presentation provided by Mr. LeFevre earlier in the meeting.

There was no discussion among Council.

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

**3. Resolution 2022-055 Awarding a Three-Year Retainer Agreement Between the City of DeKalb and Crawford, Murphy & Tilly, Inc. (CMT) for Professional Airport Consulting Services at the DeKalb Taylor Municipal Airport.**

Mayor Barnes read the resolution by title only.

MOTION: Alderman Smith 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. The City has had a retainer agreement with CMT for a number of years. CMT assists the City with airport improvement plans, land acquisition, applying for federal funding, speaking with new companies coming to the area about the City's flight path, etc.

Continuing, City Manager Nicklas explained that, as required by state and federal law, the City is expected to request qualifications from interested firms such as CMT. During this cycle, CMT was

the only respondent. City staff knows CMT's work and feel they're fair and that their prices are competitive.

There was no discussion among Council.

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

**4. Resolution 2022-056 Authorizing an Agreement with DeKalb Corn Fest, Inc. for the 2022 Corn Fest.**

Mayor Barnes read the resolution by title only.

MOTION: Alderman McAdams 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. This item approves a special event agreement, which permits DeKalb Corn Fest, Inc. to conduct their event in the Central Business District and obtain a street closure on Lincoln Highway. The agreement also defines hours of operation, insurance coverages, etc.

There was no discussion among Council.

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

**5. Resolution 2022-057 Approving the Regulation of Traffic for the Purpose of Holding the Annual DeKalb Corn Fest on Illinois Route 38 (Lincoln Highway) Between First Street and Fourth Street Beginning Thursday, August 25, 2022, at 4:00 p.m., through Sunday, August 28, 2022, at 10:00 p.m.**

Mayor Barnes read the resolution by title only.

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

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. Approval of this resolution is required to formally request permission of the Illinois Department of Transportation (IDOT) to close Illinois Route 38 between First Street and Fourth Street beginning Thursday, August 25 at 4:00 p.m. and continuing through Sunday, August 28 at 10:00 p.m. to afford protected downtown space for the annual Corn Fest celebration.

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

**L. ORDINANCES – SECOND READING**

There were none.

**M. ORDINANCES – FIRST READING**

**1. Ordinance 2022-028 Revoking Ordinance 2012-070 Providing a Special Use Permit for a Vehicle Salvage Yard Located at 1008 Oak Street.**

Mayor Barnes read the ordinance by title only.

MOTION: Alderman Verbic 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. DIMCO has been involved in metal salvage and recycling for many years. Due to the closure of a large scrap iron yard, issues regarding an abundance of inventory were created, to which DIMCO has acknowledged. For the past several years, the City's Building Department has had a series of conversations with the owners of the property and has issued written advisories as well as code violations concerning the erratic, unsightly, and at times unsafe storage of used vehicles at the site. In April of this year, the Building Department issued a formal Notice of Violations and an order to discontinue the illegal uses on the property. As a part of that notice, the property owner was given a clear indication of the City findings with related photographs and was informed that a failure to remedy the violations could lead to a revocation of the special use permit which allowed for vehicle recycling operations on the site. The property owner was also given 45 days to appeal the City's Notice, but the property owner did not appeal the City's Notice.

City Manager Nicklas continued, stating the owner has proposed a 90-day extension to continue to clean up the property, as well as the addition of adequate fencing.

Steps to be taken could include that Council defer action for 90 days as requested by the owner, change the timeframe to a lesser period of time, or proceed with the revocation.

Discussion ensued on how to proceed with this item on the Council level such as amending the ordinance, allowing the extension of the revocation pending Mr. Meyers compliance as presented at this meeting, or approving this item on first reading only and bringing it back in 90 days for second reading.

Mr. Meyers asked about extending the hours of operation until the 90 days concludes. City Attorney Rose stated there are no complaints about the hours of operation.

Discussion ensued regarding the hours of operation. Mr. Meyers indicated the current business hours are 7:30 a.m. to 4:00 p.m. but believes he would need more time on a daily basis.

Information was located regarding the business hours allowed, which include being able to work from 8:00 a.m. to 11:30 a.m. on Saturday.

Mr. Meyers asked how many cars he will be allowed to process until they get caught up. City Manager Nicklas stated he should operate aggressively to get the property cleaned up.

Discussion ensued.

Alderman Smith expressed alarm that DIMCO didn't respond to the City's concerns. Mr. Meyers disagreed, and Chief Building Official Harper stated there was no compliance, not necessarily no response.

Alderman Smith then stated he'd like to see the site back in compliance with how the original special use permit was laid out.

Mayor Barnes stated the City is trying to be as business friendly as possible. He then added that the reverse is also true concerning noncompliance and lack of communication.

Alderman Morris stated she believes Mr. Meyers is attempting to express that business hours from 7:30 a.m. to 4:00 p.m. aren't sufficient to get the property cleaned up in 90 days. Mr. Meyers stated those hours are sufficient, he was just looking for more time to crush cars, which is limited to a certain amount of time daily.

City Manager Nicklas confirmed that Council is indicating temporary stand down on enforcement.

Mr. Meyers stated he can clean up the west yard quickly, but cleanup in the east yard won't be so easy. City Manager Nicklas indicated the east yard is the focus at this time.

Alderman Faivre asked Mr. Meyers if he understands the ordinance, to which Mr. Meyers replied he does.

Alderman Faivre stated the City wants to be business friendly. He then asked Mr. Meyers how he will handle this situation in the future if there's no one to purchase the cars. Mr. Meyers stated he will stop taking cars at that point.

Alderman Faivre stated his support for extending the time for clean up to 90 days.

Alderman Perkins asked if both yards will be cleaned in 90 days. It was confirmed that the 90 day extension is for the cleanup of the east lot only.

Alderman Perkins then asked about fencing. There was discussion among Mr. Meyers and Chief Building Official Harper regarding fencing. Mr. Meyers indicated that piles need to be reduced in order to replace the fencing that's been crushed on the east side.

Brief discussion ensued.

Speaking to Mr. Meyers, Alderman Morris reiterated that the City wants to be business friendly so if he finds this special use permit is not meeting his needs, he needs to let the City know so it can be discussed.

Mayor Barnes clarified that this item will be passed on first reading and it's ok to crush as many cars as he can between 7:30 a.m. to 4:00 p.m. in order to meet the 90-day deadline.

It was indicated that this item will return to Council on September 26, 2022.

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

## **2. Ordinance 2022-029 Approving a Special Use Permit for a Vehicle Tow Facility and Storage Yard at 407 Industrial Drive (J&S Towing and Recovery).**

Mayor Barnes read the ordinance by title only.

MOTION: Alderman Verbic 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. J&S Towing and Recovery is requesting approval of a special use permit for a vehicle tow facility and storage yard at 407 Industrial Drive. The site will function as an auxiliary impound yard to handle overflow vehicles from their current site at 110 Industrial Drive, which received a special use permit in 2020. The applicant also applied for a variance to permit an adjacent eight-foot-high sight-proof fence to serve as screening for a portion of the storage yard in lieu of the required 10-foot-high sight-proof fence. The Planning and Zoning Commission (PZC), which has the authority to approve or deny variances, has approved the request. The PZC also recommends that Council approve the special use permit, as does City staff.

Mayor Barnes asked about the fence location, which is in the Zimmerman scrap yard.

Alderman Larson commented that she read somewhere that another towing company stated J&S would not be meeting all the requirements because they wouldn't have all their towed vehicles in one location and wondered if the City should be worried about that. City Manager Nicklas replied that the information she read was from a competitor of J&S, and the City does allow multiple locations.

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

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

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

## **N. REPORTS AND COMMUNICATIONS**

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

Alderman Morris stated her ward meeting will be rescheduled for July 12 and will tentatively be held at Jefferson Elementary School.

Alderman Smith thanked the Street Department for helping keep the dust down as work continues on Thirteenth Street and Fourteenth Street.

Alderman McAdams reported that he will be hosting a ward meeting at the end of July at Cornerstone, with the date still to be determined.

Alderman Faivre reported on the upcoming Airport Advisory meeting, scheduled for June 28, noting the meeting is open to the public.

Alderman Verbic reported that the 2022 Tour of Champions Drum and Bugle Corps will be at Northern Illinois University (NIU) on July 9.

Alderman Larson noted her appreciation for the audit report. She also reminded citizens that June 28 was the general primary and encouraged everyone to vote. She also thanked the Fire Department for bringing the smoke house to Jonamac Orchard, noting there was a great turnout.

Mayor Barnes reported on some of his recent activities, which included attending the Downtown Merchants meeting, speaking to the Rotary Club, attending the Pride Celebration, attending a collaboration meeting at NIU, and meeting with the Greek organization with City Manager Nicklas.

2. City Manager Report.

City Manager Nicklas had no report.

**O. EXECUTIVE SESSION**

There was none.

**P. ADJOURNMENT**

MOTION: Alderman Perkins moved to adjourn the meeting; seconded by Alderman Morris.

VOTE: Motion carried by an 8-0 roll call vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Mayor Barnes declared the motion passed and adjourned the meeting at 7:30 p.m.

Respectfully submitted,

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Ruth A. Scott, Recording Secretary

Minutes approved by the City Council on July 11, 2022.

Click [here](#) to view the agenda packet for the June 27, 2022, Regular City Council meeting.

Click [here](#) to view the video recording of the June 27, 2022, Regular City Council meeting.