

**MINUTES  
CITY OF DEKALB  
REGULAR CITY COUNCIL MEETING  
AUGUST 9, 2021**

The City Council of DeKalb, Illinois held a Regular meeting on August 9, 2021, in the Yusunas Meeting Room of the DeKalb Public Library, 309 Oak Street, DeKalb, Illinois.

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

Due to severe weather conditions, the meeting was delayed by 30 minutes. Mayor Barnes called the meeting to order at 6:30 p.m.

Executive Assistant Ruth Scott called the roll and the following members of City Council were present: Alderman Barb Larson, Alderman Tracy Smith, Alderman Scott McAdams, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Cohen Barnes. Alderman Perkins was absent at roll call but arrived at 7:03 p.m. Alderman Morris was absent at roll call but arrived at 7:19 p.m.

Staff present included: City Manager Bill Nicklas, City Attorney John Donahue, and Police Chief David Byrd.

**B. PLEDGE OF ALLEGIANCE**

Mayor Barnes and members of the audience led the Pledge of Allegiance.

**C. APPROVAL OF THE AGENDA**

Mayor Barnes asked if the aldermen had any additions and/or deletions to make to the agenda; there were none.

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

VOTE: Motion carried by a 6-0-2 roll call vote. Aye: Larson, Smith, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Morris, Perkins. Mayor Barnes declared the motion passed.

**D. PUBLIC PARTICIPATION**

There was none.

**E. PRESENTATIONS**

There were none.

**F. APPOINTMENTS**

There were none.

**G. CONSENT AGENDA**

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

Alderman Smith expressed his concern regarding missing meeting minutes from the June 28, 2021, and July 12, 2021, Regular City Council meetings, noting that the minutes from June 28 were now 30 days past due. He further noted that missing meeting minutes were a serious issue in 2010 and 2011 and asked Mayor Barnes when the missing minutes could be expected.

Mayor Barnes indicated he had reached out to City Clerk Cohen asking for clarification on the issue, but he hasn't received a response, although he has heard from the clerk regarding a separate matter. Mayor Barnes thanked Alderman Smith for his concern, noting he is aware that the City is now in violation with State of Illinois policy regarding the issue.

Alderman Smith asked City Attorney Donahue if there were any issues that Council members needed to be concerned about regarding the missing minutes. City Attorney Donahue confirmed that the meeting minutes are required to be approved within 30 days, but not having them doesn't affect the Council unless the situation continues and someone complains, in which case, the City would receive a letter from the State of Illinois. However, there is no criminal or civil liability on the Council's part.

Mayor Barnes stated this is a concern because the minutes are a historic record of Council meetings and they need to be complete, correct, submitted, and approved by Council in a timely manner. He further stated that he would reach out to the clerk again to see when the minutes can be expected.

Mayor Barnes read each of the following Consent Agenda items for the record:

1. Minutes of the Joint Review Board Meeting of April 23, 2021.
2. Minutes of the Regular City Council Meeting of July 26, 2021.
3. Accounts Payable and Payroll through August 9, 2021, in the Amount of \$1,427,456.85.

VOTE: Motion carried by a 6-0-2 roll call vote. Aye: Larson, Smith, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Morris, Perkins. Mayor Barnes declared the motion passed.

## **H. PUBLIC HEARINGS**

There were none.

## **I. CONSIDERATIONS**

1. Consideration of a Civilian Police Review Board Proposal.

City Manager Nicklas began by stating that just like the portion of the Pledge of Allegiance that states "liberty and justice for all", this country has been in pursuit of the right way to ensure that applies to everyone for many years. In the last year, this community, and the country as a whole, have been working a lot more energetically in that direction.

City Manager Nicklas continued, stating some very frank and constructive discussions have been had over the last year about internal procedures and how the City can be more accountable and more transparent to the community.

Referring to the information provided in the agenda packet, City Manager Nicklas stated in some ways this Council has stepped up and been at the head of the curve on a lot of internal changes and adjustments. He further stated that while the subject of a Civilian Police Review Board (CPRB) has been discussed within the community, it has yet to be discussed by Council as a whole in a public setting. Therefore, this item comes to Council as a draft for preliminary discussion, review and direction regarding the authority, structure, and training of the proposed CPRB. City Manager Nicklas noted that Police Chief Byrd has been involved in many of these conversations in the 90 days he's been with the City, along with many community leaders and concerned citizens.

Police Chief Byrd stated one of the most important things about the proposed CPRB is that members be impartial, and he will expect that they have proper training before taking on the role.

City Manager Nicklas stated a lot of thought has gone into the model being presented and it's the one that fits this community best, adding it can be built upon in the future.

Alderman McAdams stated there's a lot of support for this idea in the community and urged the other Council members to vote yes.

Alderman Verbic asked if the proposed CPRB would be engaged during an active investigation or after the case is closed. City Manager Nicklas replied it would be after the investigation is closed.

Police Chief Byrd added that he's worked with many police departments throughout his career and the history of the DeKalb Police Department indicates the proposed CPRB model is a good entry level. He reiterated City Manager Nicklas' comments, stating it can evolve and be built upon.

Alderman Verbic stated there are many issues that could lead to other civil suits and there would have to be the utmost confidence in the proposed CPRB.

Discussion continued.

Alderman Faivre indicated his support for the proposed CPRB.

Alderman Smith indicated his support, expressing his confidence in Police Chief Byrd. Alderman Smith also noted his concern about malicious complaints about police officers.

Police Chief Byrd stated it's important to be extremely careful with complaints that end up being false because an officer can be slandered for the rest of their career, which effects not only them, but their family as well. There will be consequences for a false report or narrative on an officer.

Alderman Perkins arrived at the meeting at 7:03 p.m.

Indicating his support, Mayor Barnes thanked City Manager Nicklas for driving this platform forward and putting it before Council. He added it's a good start that can be modified as needed over time.

A concerned citizen spoke up, stating there was no form of accountability in this plan, and he would like to see a reallocation of resources.

Discussion ensued.

Alderman Perkins asked if the proposed CPRB would be making recommendations. City Manager Nicklas replied they would.

Discussion ensued between City Manager Nicklas and Alderman Perkins regarding accountability and reporting to Council.

Alderman Larson stated that those chosen for the proposed CPRB will have to be trustworthy.

Further discussion ensued.

Alderman Morris arrived at the meeting at 7:19 p.m.

City Manager Nicklas stated he believes this is a fair start and indicated this item will be brought before Council in ordinance form at an upcoming meeting if they choose to move forward.

Alderman Verbic thanked the citizen who spoke for bringing up accountability.

There was consensus among Council to move forward with the proposed plan as presented.

## **J. RESOLUTIONS**

1. Resolution 2021-065 Authorizing the Award of a Construction Services Contract to Maneval Construction in the Amount of \$155,257.93 for the Construction of a New Shared Use Path along Fairview Drive, with Staff Authority to Approve Change Orders Up to a Combined Project Total Not to Exceed \$160,000.

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. Fairview Drive is a high traffic roadway and is used by large trucks. This path will provide space for walkers and cyclists, enhance resident access to employment, and fits with a comprehensive plan that will increase recreational options as well.

There was no discussion.

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 2021-066 Authorizing the Award of a Construction Services Contract to William Charles Construction in the Amount of \$994,772.30 for Afton Road Construction, with Staff Authority to Approve Change Orders Up to a Combined Project Total Not to Exceed \$1,094.000.

Mayor Barnes read the resolution by title only.

MOTION: Alderman Verbic 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, which pertains to excavation, drainage, roadbed, and asphalt improvements to complete a rural road connection between Gurler Road and Keslinger Road, slightly east of the Peace Road terminus and east of the Facebook Development site.

There was no discussion.

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 2021-067 Authorizing a Standard Agreement with the Illinois Department of Transportation, Division of Aeronautics (IDOT-DOA), for Construction Services with Crawford, Murphy and Tilly, Inc. for Design/Special Services and Construction Phase Engineering for the Milling and Overlay of Taxiway C at the DeKalb Taylor Municipal Airport (Project DKB-4875).

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, which pertains to the milling and resurfacing of Taxiway C at the DeKalb Taylor Municipal Airport. The project is slated to start this year.

There was no discussion.

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 2021-068 Approving a Package Liquor License for D&T Swami Group 01 LLC, d/b/a DeKalb Liquor Mart, 1352 E. Dresser Road.

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. The application submitted has been reviewed and the owners have successfully completed the required background checks. If approved, the City will receive an initial fee of \$10,766 and the liquor license will be marked as conditional until all

conditions referenced in the resolution are met. Providing a conditional liquor license allows the owners to submit their application for a State of Illinois liquor license.

There was no discussion.

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 2021-069 Authorizing an Intergovernmental Agreement with the Fire Protection District for Fire Suppression and Paramedic Ambulance Services from May 1, 2021, through April 30, 2031.

Mayor Barnes read the resolution by title only.

MOTION: Alderman Verbic 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, which pertains to fire suppression services needed by farms, homes, and businesses outside the City's corporate limits but within the geographic Fire Protection District established by law. The agreement will be valid through April 30, 2031, with an annual contract fee.

Brief discussion ensued. City Manager Nicklas replied this is a long-standing mutual interest and partnership. Stating the Fire Protection District is happy with our services.

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.

## **K. ORDINANCES – SECOND READING**

There were none.

## **L. ORDINANCES – FIRST READING**

1. Ordinance 2021-030 Approving Easement Agreements with Goldframe, LLC for a Water Utility Easement and a Temporary Grading Easement for the Facebook Development.

Mayor Barnes read the ordinance by title only.

MOTION: Alderman Smith moved to approve the ordinance on first reading; seconded by Alderman McAdams.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. These easement agreements will assist in intersection improvements at Route 23 and Gurler Road and allow the City and certain contractors under its control to access Facebook's property in order to construct and maintain the improvements.

There was no discussion.

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.

City Manager Nicklas indicated there was a request for waiver of second reading.

MOTION: Alderman Perkins moved to waive second reading of the ordinance and approve; 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.

## **M. REPORTS AND COMMUNICATIONS**

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

Alderman Larson reported she will be seeing the new movie about Aretha Franklin titled "Respect" and stated that everyone should keep the word "respect" in mind and there's no limit to where it can go.

Alderman Smith reported he attended a meeting that involved the DeKalb County Community Foundation on August 3 regarding the Pleasant Street neighborhood, noting it was very productive.

Alderman Verbic reported that school will be back in session next week and asked everyone to be on the lookout for students, adding it will be great to see students back out there again after not seeing them last year.

Alderman Faivre reported he had received complaints this summer of properties not being maintained. When he contacted the City's inspection department, he was pleasantly surprised to hear that the wheels were already in motion to rectify the issues. Alderman Faivre offered his kudos to the City's inspection department, specifically Chief Building Official Dawn Harper and Building Inspector Frank Beasley.

Alderman Faivre also reported on an event that occurs on the second Friday of each month in the downtown area where merchants offer extended hours for extra shopping opportunities. The next event will take place Friday, August 13 and he encouraged everyone to attend.

Mayor Barnes encouraged citizens to get vaccinated against COVID.

Mayor Barnes reported that he recently attended a bike rally event with Alderman Faivre that rode around to local nursing homes and honored veterans living there, adding it really meant a lot to the residents.

Mayor Barnes thanked Alderman Faivre for picking up trash over the weekend.

## **N. EXECUTIVE SESSION**

1. Approval to Hold an Executive Session to Discuss the Purchase or Lease of Real Property as Provided for in 5 ILCS 120/2(c)(5).

Mayor Barnes read the Executive Session exemption by title only.

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

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 meeting in recess at 7:43 p.m.

Mayor Barnes closed the meeting to the public at 7:51 p.m. for Executive Session.

Following adjournment of the Executive Session, Mayor Barnes opened the meeting to the public at 8:08 p.m.

## **O. ADJOURNMENT**

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

VOTE: Motion carried by an 8-0 voice vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Mayor Barnes declared the motion passed and adjourned the meeting at 8:08 p.m.

Respectfully submitted,

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Ruth A. Scott, Executive Assistant

Minutes approved by the City Council on August 23, 2021.