

**MINUTES
CITY OF DEKALB
REGULAR MEETING
SEPTEMBER 14, 2020**

The City of DeKalb, Illinois City Council held a Regular meeting on September 14, 2020 in the Yusunas Room at the DeKalb Public Library, 309 Oak Street, DeKalb, Illinois.

A. CALL TO ORDER AND ROLL CALL

Mayor Smith called the meeting to order at 6:00 p.m. He then commented on the 19th anniversary of the events that occurred on Tuesday, September 11, 2001. Mayor Smith then led the Pledge of Allegiance.

Executive Assistant Ruth Scott called the roll, and the following City Council members were present: Alderman Carolyn Morris, Alderman Bill Finucane, Alderman Tracy Smith, Alderman Greg Perkins, Alderman Scott McAdams, Alderman Mike Verbic, Alderman Tony Smith, and Mayor Jerry Smith.

Others in attendance included City Manager Bill Nicklas and City Attorney John Donahue.

B. PLEDGE OF ALLEGIANCE

See above comments.

C. APPROVAL OF THE AGENDA

MOTION

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

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

There was none.

E. PRESENTATIONS

1. Facebook. City Manager Nicklas introduced Matt Sexton, Community Development and Central Regional Manager of Facebook. Mr. Sexton provided a Power Point presentation that included Facebook's mission, their assortment of platforms, datacenter locations, and the reason DeKalb was chosen. Mr. Sexton also provided information regarding its economic impact, noting it will be making an \$800 million dollar investment in DeKalb with the new datacenter. Careers will include not only building the data center but the day to day operations of the data center.

F. APPOINTMENTS

There were none.

G. CONSENT AGENDA

MOTION

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

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

1. Minutes of the Regular City Council Meeting of August 24, 2020.
2. Accounts Payable and Payroll Through September 14, 2020 in the Amount of \$2,755,301.98.

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

There were none.

I. CONSIDERATIONS

There were none.

J. RESOLUTIONS

1. Resolution 2020-097 Approving the Proposal from Pappas Development for the Redevelopment of the Former City Hall Property at 200 S. Fourth Street.

Mayor Smith read the resolution by title only.

MOTION

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

Bessie Chronopoulos spoke regarding this development and encouraged the Council to look at development actions of the past and how they can be applied to the future. She also stated that she still feels that the decision to move to a new City Hall was made too quickly.

Foti Pappas spoke on behalf of Pappas Development, noting that the development of this property will build on the momentum of the downtown market. He added that the feedback they've received regarding the Cornerstone and Plaza DeKalb buildings

have been positive. Mr. Pappas further noted that downtown parking is filling up and their apartments are full.

Steve Kapitan indicated that eventually a plan will be needed to fund and plan for a new City Hall, especially with the building of Facebook and Ferrara Candy Company. Before approving this item, he asked Council to consider how much in property tax is the City's share, how much it will cost the City to purchase a new city hall, why the City is continuing to subsidize new residential development.

City Manager Nicklas noted that a considerable amount of background regarding this item has been provided to Council and the public. He then provided an overview of the recommended proposal from Pappas Development.

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.

2. Resolution 2020-098 Authorizing the Award of a Contract to Triggs Construction, Inc. in the Amount of \$121,075.50 for Sidewalk Replacement on Seventh Street and Normal Road, Including Various Other Minor Segments, with Staff Authority to Approve Change Orders Up to a Combined Project Total of \$200,000.

Mayor Smith read the resolution by title only.

MOTION

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

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet.

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 2020-099 Authorizing a Professional Services Agreement with Civil Engineering Services, Inc. (C.E.S.) for the Engineering Design of Afton Road in an Amount Not to Exceed \$95,000.

Mayor Smith read the resolution by title only.

MOTION

Alderman Morris 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.

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 2020-100 Authorizing an Expenditure from the Local Allocation of REBUILD ILLINOIS Bond Revenues for Afton Road Right-of-Way (ROW) and Engineering in the Amount of \$400,000.

Mayor Smith read the resolution by title only.

MOTION

Alderman Smith moved to approve the resolution; seconded b Alderman Faivre.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet.

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 2020-101 Authorizing a Transit Services Provider Agreement with Transdev Services, Inc. to Provide Paratransit and Deviated Flex Route Services for the City of DeKalb and the DeKalb Urbanized Area from January 1, 2021 through December 31, 2023.

Mayor Smith read the resolution by title only.

MOTION

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

Alderman Smith recused himself from this item.

Prior to Council discussion, Executive Director Ellen Rogers spoke on behalf of the Voluntary Action Center (VAC), noting their disappointment that VAC's proposal was not selected for continued services. Also spoke as an advocate for those who depend on the paratransit services VAC has provided over the years. Ms. Rogers noted that VAC takes its role to provide services to the most vulnerable very seriously.

Ms. Rogers continued, stating that Transdev faces challenges with their fixed route system and have recently had to reduce hours of service and the untimeliness of their routes have been impactful. Further Transdev has not been quick to respond to COVID.

Ms. Rogers asked Council to extend VAC's contract to ensure Transdev is given the time to respond in order to make the transition.

Ms. Rogers concluded her comments by stating that VAC understands the Request for Proposals (RFP) process; it's rigid and they understand that. She added that if it is recommended to award the contract to Transdev, that will in no way deter the quality of services VAC will provide to the community.

City Manager Nicklas then provided an overview of this item based on the information provided in the background information and noted that the City does not spend its own dollars on transit and receives a large amount of money each year from the federal government. As such, the City is required to provide a competitive process.

Citing VAC's committed service to the community for 38 years, Mr. Nicklas noted that it was hard for him to make this recommendation but he's bond to the integrity of the bidding process and its not the City's money.

Alderman Finucane asked the Transdev representative, W.C. Pihl, Senior Vice President of Business Development, if Transdev has had problems over the last six months meeting its current contract due to lack of drivers and how they will take on the additional responsibility. Mr. Pihl stated that many Huskie drivers are NIU students and are part-time. However, paratransit drivers will be full-time. Further, Transdev will be increasing its hourly wage by \$2.00 and offering positions to VAC's current drivers if they are interested.

Alderman Finucane stated he drove for the Huskie line many years ago and he understands the challenges. While he hates to have to vote to approve the Transdev contract, he realizes there are constraints put on the City by the government.

Alderman Faivre asked if the paratransit routes would receive a higher priority than NIU. Mr. Pihl indicated that the paratransit routes will be provided with a dedicated paratransit manager.

Alderman McAdams asked about Transdev's complaint procedure. Mr. Pihl stated that the customer will come first, and all complaints will be addressed with the complainant.

Alderman Perkins asked about the \$2.00 wage increase and what if it isn't enough to move forward. Mr. Pihl stated they will adjust the wage as needed, including bonuses.

Mayor Smith stated his support of VAC, but the City's hands are tied in this situation. There will be a transition period, but he trusts that Transdev knows what they're doing.

Alderman Morris stated it's not without heavy heart that this decision is made, noting that many have asked that the Council vote no, but unfortunately there's just no logical way to do that because the City has to follow the required process.

VOTE

Motion carried by a 7-0-1 roll call vote. Aye: Morris, Finucane, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Recused: Alderman Smith. Mayor Smith declared the motion passed.

6. Resolution 2020-102 Approving a City of DeKalb Referendum on the April 6, 2021 Consolidated Election Ballot with Regard to Urban Chickens Within the DeKalb Corporate Limits.

Mayor Smith read the resolution by title only.

MOTION

Alderman Faivre moved to approve the resolution; seconded by Alderman Morris.

Neeley Erickson spoke on behalf of the Hometown Association of Realtors, providing the reasons for their opposition to allowing backyard chickens within city limits.

Christopher Tensgren also spoke on behalf of the Hometown Association of Realtors in opposition to allowing backyard chickens within city limits.

Joseph Rathke spoke with regard to his support of allowing backyard chickens within city limits, citing food security, specifically for those who have been adversely affected due to the COVID pandemic. He also spoke regarding property values and should not get in the way and allowing people using the property they live on the way they see fit.

Andrew Tillotson noted his support for allowing backyard chickens within city limits due to food insecurity as a result of the pandemic.

Bessie Chronopoulos spoke in support of the referendum.

Aline Click, Diana Izard, Kimberly Shotick, Andrew Wanek, Sarah Mueller, Brittany Schaefer, Catherine Norris, and Matthew Anderson submitted online public comments in favor of allowing backyard chickens within city limits, all of which were read in their entirety by Mayor Smith and Council members.

Mayor Smith read in its entirety the online public comments submitted by Jerry Wahlstrom who is in opposition of allowing backyard chickens within city limits.

City Manager Nicklas provided an overview of this item based on the background information provided in the agenda packet.

Alderman Morris spoke regarding the inspection process proposed by the City Manager, questioning why an initial inspection is needed. She also noted that the letter submitted by the Hometown Association of Realtors lists offices in Sycamore and Sterling, and not in DeKalb. Alderman Morris continued, urging Council to allow the citizens of DeKalb to decide.

Alderman Finucane stated that the Hometown Association of Realtors are a professional organization and speaking in terms of how home values will go. He also noted that as a regional organization, they can't have an office in every town. Alderman Finucane stated that while he isn't in support of allowing backyard chickens within City limits, he will vote for the referendum because of democracy.

Brief discussion ensued.

Alderman Perkins clarified this is just an advisory referendum to see how DeKalb citizens feel about allowing backyard chickens. If the thoughts of the public are "yes", then Council will go down the path to the how.

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.

7. Resolution 2020-103 Authorizing the Waiver of Competitive Bidding and Awarding the Purchase of Cardiac Monitors to Zoll Medical Corporation and Approving the Purchase of Additional Items to Place the Monitors in Service in an Amount Not to Exceed \$63,000.

Mayor Smith read the resolution by title only.

MOTION

Alderman Finucane moved to approve the resolution; seconded by Alderman Faivre.

City Manager Nicklas provided an overview of this item based on the background information provided in the agenda packet.

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.

8. Resolution 2020-104 Authorizing an Architectural Improvement Program (AIP) Economic Incentive for Fareed Haque for the Property Located at 263 E. Lincoln Highway in the Amount of \$18,011.

Mayor Smith read the resolution by title only.

MOTION

Alderman Faivre moved to approve the resolution; seconded by Alderman Morris.

City Manager Nicklas provided an overview of this item based on the background information provided in the agenda packet.

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.

9. Resolution 2020-105 Approving an Intergovernmental Agreement Between the City of DeKalb and the Illinois Department of Healthcare and Family Services in Connection with Supplemental Ambulance Rates.

Mayor Smith read the resolution by title only.

MOTION

Alderman Smith moved to approve the resolution; seconded by Alderman Verbic.

City Manager Nicklas provided an overview of this item based on the background information provided in the agenda packet.

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.

10. Resolution 2020-106 Authorizing an Agreement with Axon Enterprises, Inc. for the Purchase of Body Cameras in an Amount Not to Exceed \$415,086 Over Five Years.

Mayor Smith read the resolution by title only.

MOTION

Alderman McAdams moved to approve the resolution; seconded by Alderman Smith.

Steve Kapitan commented on the bidding process for this item, asking for the difference between the recommended bid and the lower bid.

City Manager Nicklas commented on the process taken regarding the choice of body cameras, which included a trial run of the various cameras at no cost to the City. He then referred to Police Commander Woodruff who stated that Axon is simply the best body camera on the market, noting that a majority of communities using body cameras are using Axon.

Police Commander Woodruff continued, stating that Axon offers new camera replacement every two to five years, and their functionality is far greater than any of the other companies that submitted bids. Police Commander. He concluded his statements stating he strongly supports Axon.

Mayor Smith stated he was impressed with background information provided by the City Manager Nicklas and Police Commander Woodruff, and while he appreciates Mr. Kapitan's concern, this recommendation makes sense.

Alderman Finucane asked for clarification regarding the timetable provided in the background material. City Manager Nicklas explained that while the bid proposal requested pricing for a three-year term, Axon would be willing to stretch it out over five years.

Alderman Perkins noted that Axon has a tremendous market share.

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

1. Ordinance 2020-055 Amending Chapter 38 "Intoxicating Liquors", Section 38.07 "Classifications of Liquor Licenses", by Adding a New Classification "Laundromats".

Mayor Smith read the ordinance by title only.

MOTION

Alderman Finucane moved to postpone this item to the September 28, 2020 Regular City Council meeting; 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.

L. ORDINANCES – FIRST READING

1. Ordinance 2020-057 Proposing the Establishment of City of DeKalb Special Service Area Number 30 (Hunter Ridgebrook Properties and 912 Edgebrook Drive) and Providing for a Public Hearing and Other Proceedings in Connection Therewith.

Mayor Smith read the ordinance by title only.

MOTION

Alderman Morris moved to approve the ordinance; seconded by Alderman Finucane.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet.

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 Finucane moved to waive Second Reading and approve the ordinance; 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.

2. Ordinance 2020-058 Approving the Rezoning of 822 E. Lincoln Highway from “TFR” Two-Family Residential District to “LC” Light Commercial District (Kelly and Natalie Diehl).

Mayor Smith read the ordinance by title only.

MOTION

Alderman McAdams moved to approve the ordinance; seconded by Alderman Perkins.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet.

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 Morris moved to waive Second Reading and approve the ordinance; seconded by Alderman Perkins.

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 2020-059 Approving the Final Plat of the Goldman Resubdivision (Lots 49 and 50 in the Bridges of Rivermist Unit 2 Subdivision).

Mayor Smith read the ordinance by title only.

MOTION

Alderman Finucane moved to approve the ordinance; seconded by Alderman Morris.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet.

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 Finucane moved to waive Second Reading and approve the ordinance; 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.

4. Ordinance 2020-060 Pertaining to the Local Coronavirus Urgent Remediation Emergency Financial Support Program (Local Cure Program).
Mayor Smith read the ordinance by title only.

MOTION

Alderman Faivre moved to approve the ordinance; seconded by Alderman Morris.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet.

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 Morris moved to waive Second Reading and approve the ordinance; seconded by Alderman Faivre.

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. Ordinance 2020-061 Amending Chapter 52 "Offenses Against Public Peace – Safety and Morals", Section 52.02 "Disorderly Conduct", and Section 52.411 "Nuisance Gatherings", in Order to Prohibit the Violation of Emergency Public Health Orders.

Mayor Smith read the ordinance by title only.

MOTION

Alderman Verbic moved to approve the ordinance; seconded by Alderman Finucane.

Both Andrew Tillotson and Joseph Rathke asked for reassurance that this ordinance won't stop people from being able to peacefully protest.

City Manager Nicklas explained that this item is at issue because DeKalb County is seeing a rise in positive COVID testing. In the last month large gatherings have been spotted not wearing masks. The state and DeKalb County have laid out prohibitions and the City of DeKalb is trying to adhere to those guidelines.

Alderman Finucane noted that he has encouraged people to use masks for several months now. He added that the act of wearing a mask in public, inside and outside, can help control the spread of the disease.

Alderman McAdams stated that those living in smaller living spaces are concerned that the City isn't enforcing the guidelines consistently throughout the community.

Alderman Morris stated there are concerns regarding businesses not adhering to the guidelines, as well as concerns regarding disproportional targeting. She noted that this ordinance is not targeted towards protesters.

City Manager Nicklas agreed with Alderman Morris, stating there are challenges with businesses because some of their corporate offices are instructing employees to not engage customers not wearing masks. He added that the City will continue to monitor the situation.

Brief discussion ensued.

VOTE

Motion carried by a 7-1 roll call vote. Aye: Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: Morris. Mayor Smith declared the motion passed.

MOTION

Alderman Finucane moved to waive Second Reading and approve the ordinance; seconded by Alderman Verbic.

VOTE

Motion carried by a 7-1 roll call vote. Aye: Finucane, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Smith. Nay: Morris. Mayor Smith declared the motion passed.

M. REPORTS AND COMMUNICATIONS

1. Council Member Reports

On behalf of Management Analyst Jason Blumenthal, Alderman Finucane shared information regarding the Census, stating that DeKalb is only at a 67.4% response rate, which could mean the loss of one of Illinois' state representatives. The last date for self-reporting is September 30, 2020.

Alderman Smith reported that he has toured the new El Jimador Mexican Restaurant at 260 E. Lincoln Highway, noting that it is a phenomenal example of what Tax Increment Financing (TIF) money is for.

Mayor Smith also commented on the Census, stating that there has been a low response from faith-based communities due to the changing demography over the past 10 years. He noted that City staff have done a great job marketing the Census.

He urged Council to do what they can as elected officials to make a final push in their wards encouraging citizens to complete the Census.

2. City Clerk Report

The City Clerk was not present.

3. City Manager Report

City Manager Nicklas had no report.

N. EXECUTIVE SESSION

There was none.

O. ADJOURNMENT

MOTION

Alderman Morris moved to adjourn the meeting; 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 and adjourned the meeting at 8:55 p.m.

Respectfully submitted,

RUTH A. SCOTT, Executive Assistant

Approved by City Council on September 28, 2020.