The City Council of DeKalb, Illinois held a Regular City Council meeting on September 23, 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 p.m.

City Clerk Lynn Fazekas called the roll, and the following members of City Council were present: Alderman Carolyn Morris, Alderman Bill Finucane, Alderman Pat Fagan, Alderman Scott McAdams, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Alderman Tracy Smith was absent.

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

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

1. Northern Illinois University Marching Band.

The Marching Band played the NIU Fight Song and the National Anthem, after which the Mayor led the Pledge.

C. APPROVAL OF THE AGENDA

Mayo Smith suggested a change in order of agenda items to address ordinances immediately following the scheduled public hearing.

MOTION

Alderman Fagan moved to approve the agenda with the suggested change in order of items. Alderman Faivre seconded.

VOTE

D. PUBLIC PARTICIPATION

Sid Kincaid read a statement by Kay Shelton about the DeKalb city clerk’s office, though he said he did not personally endorse the opinion. In her statement, Ms. Shelton compared the municipal theft of $53 million from the City of Dixon, which did not have enough checks and balances in place, with the City of DeKalb. She said DeKalb has the responsibility to ensure enough checks and balances in place to catch errors, and that the concern is not just about being able to vote for a clerk, but also about keeping the clerk’s powers and not giving them away to the city manager.

Sid Kincaid read a statement by JJ Wett regarding the DeKalb city clerk’s office, though he said he did not personally endorse the opinion. In his statement, Mr. Wett noted recent events that have led to a negative image of the city, including budget shortages, Open Meetings Act violations, and the city clerk versus city manager issue. He said judgment has been compromised that has led to embarrassment. He also called himself a firm believer in checks and balances.

Dwayne Brown talked about the need for tax relief, specifically in the context of events concerning the District 428 school board: issues leading to the John Doe lawsuit, the latest contract, a million-dollar deficit, and need for restructuring bond debt.

Noah Millard of the DeKalb Fire Department announced a celebration of the department’s 100 years of community service October 12 at the NIU Alumni Center.

Steve Kapitan said the resolutions to settle workers’ compensation claims point to the need for a universal healthcare system, which would remove the financial burden from the city. He also noted the Peace Road corridor system doesn’t include Gurler Road and foresees the industrial activity expected there will necessitate changes.

Barry Schrader commended the city manager and staff for their work on the ordinance regarding the city clerk and he thanked Alderman Fagan for his service on the council.

E. PRESENTATIONS


Mayor Smith read the proclamation and presented it to fire department personnel.


Mayor Smith read the proclamation and explained how the spelling bee came to be.

F. APPOINTMENTS
There were none.

G. CONSENT AGENDA


4. Accounts Payable and Payroll through September 23, 2019, in the Amount of $1,620,851.68.

5. Investment and Bank Balance Summary through July 2019.

6. Year-to-Date Revenues and Expenditures through July 2019.


9. Resolution 2019-136 Authorizing the Execution of a Workers’ Compensation Lump Sum Petition and Order in the Amount of $64,000.00 (Dale Diedrich).

Mayor Smith identified each item of the consent agenda.

MOTION

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

VOTE


H. PUBLIC HEARINGS

1. Public Hearing Regarding a Second Amendment to an Annexation Agreement for Property Located at 2061, 2112, 2115 and 2121 Sycamore Road.

Mayor Smith opened the hearing at 6:27 p.m.
City Manager Nicklas said the agreement would remove limits on service uses on this property.

Steve Kapitan said this development speaks to the shift from brick-and-mortar retail to online sales.

After ascertaining no one else wished to speak to this issue, Mayor Smith closed the hearing at 6:31 p.m.

I. CONSIDERATIONS

1. Consideration of Additional Transit Service to the Elburn Train Station (New Route 12).

City Manager Nicklas said this would be a pilot program to expand the fixed route transit service. Transit Manager Cox said the state provides about $5 million per year in operating assistance for transit programs.

MOTION

Alderman McAdams moved to approve the pilot program. Alderman Finucane seconded.

VOTE


2. Consideration of Additional Transit Service (New Route 19) to the Major Employers in the South Industrial Parks.

Bessie Chronopoulos complimented the work of Transit Manager Cox and Economic Development Commission. She said she is looking for accountability, especially in planning and ridership, and expressed concern over wear and tear on roadways.

City Manager Nicklas identified this plan as a pilot program to connect people with jobs. He said it would supplant the Voluntary Action Center’s variable door-to-door service.

Aldermen expressed the desire for the businesses involved to help with funding and for monitoring of ridership.

MOTION

Alderman Finucane moved to approve the pilot program. Alderman McAdams seconded.

VOTE

J. RESOLUTIONS

1. Resolution 2019-137 Authorizing the City Manager to Enter into a Professional Service Agreement with Wills Burke Kelsey Associates, Ltd. for the Completion of a Corridor Study for Peace Road between Illinois Route 38 and Gurler Road in an Amount Not to Exceed $330,000.

Mayor Smith read the resolution by title only.

City Manager Nicklas said federal funds are available for this project.

MOTION

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

VOTE


2. Resolution 2019-138 Authorizing the Expenditure of FY2019 Motor Fuel Tax Funds to Initiate Engineering Services for the Completion of a Corridor Study for Peace Road Between Illinois Route 38 and Gurler Road in an Amount Not to Exceed $110,000.

Mayor Smith read the resolution by title only.

MOTION

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

VOTE


3. Resolution 2019-139 Authorizing the Sale of Real Property Located at 1101 N. First Street (PIN 08-14-305-018) in the Amount of $80,000.00.
Mayor Smith read the resolution by title only.

MOTION

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

City Attorney Donahue noted the formal contract will be considered later, separately.

VOTE


Mayor Smith read the resolution by title only.

MOTION

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

VOTE


K. ORDINANCES – SECOND READING

There were none.

L. ORDINANCES – FIRST READING

1. Ordinance 2019-059 Amending Chapter 3 “City Administration”, Section 3.14, “City Clerk”.

Mayor Smith read the ordinance by title only.

MOTION

Alderman Finucane moved to approve first reading. Alderman Fagan seconded.
Cohen Barnes identified himself as president of DeKalb County Economic Development Corporation (DCEDC). He urged council to expedite the matter of the city clerk to return to other matters. He said DCEDC is working on projects and discord is not helpful.

Jerry Krusinski said he is not a resident, but does own 300 acres in DeKalb and is pursuing projects south of Route 88. He said he has concerns that negative press could impact projects and would like to see resolution and unity.

Kate Noreiko said the ordinance is a workable solution and urged council to vote for it.

Bessie Chronopoulos noted people are still speaking up about the clerk issue despite being ridiculed and ignored. She said the clerk could be a part of a thriving community but called the ordinance proposal not well written and not the same as Alderman Morris was working on.

Steve Kapitan said the crisis over the clerk’s role is manufactured and didn’t have to be brought to the agenda yet. He said it is wrong to put the city manager over the city clerk.

Denise Weinman said public perception isn’t rosy right now. She asked that the community think about effects of the press on the community and resolve the differences.

Mark Charvat made a point of order and asked if the Fourth Ward Alderman was still a resident of that ward. He said he couldn’t recall a groundswell of support for changes to the clerk’s office, that it was manufactured and is embarrassing. He said referendums have established the people want an elected clerk and they want one who is full-time.

Mayor Smith reviewed steps he’s taken with Alderman Morris and the principal parties to the conflict. He said the ordinance will get at the crux of the problem, at least as a temporary measure.

City Manager Nicklas commented on earlier public comments, said a Seal of the City should be supplied to the executive assistant, and said he sees no need to budget additional money to the clerk’s function.

Alderman Morris said the proposed ordinance does not address anything she submitted and would do the opposite of what she was trying to achieve. She said the issue is resolved with the clerk’s coming in daily, and that she has not heard from one business owner about problems related to the availability of the Seal.

Alderman Verbic said it is unacceptable not to have the Seal available during all office hours.

City Attorney Donahue said Council has ultimate authority over the Seal.
VOTE


MOTION

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

VOTE


2. Ordinance 2019-060 Authorizing a Second Amendment to the Annexation Agreement and Amendment Represented by Ordinance 2016-007 and Ordinance 2016-039 to Remove the Maximum Square Footage Allowed for “Professional Service Offices” and to Add “Armed Services Recruiting Stations” and Other Service-Related Uses to the List of Uses Allowed Under Professional Service Offices for the Property Located at 2061, 2112, 2115 and 2121 Sycamore Road (Corral Dyn, LLC).

Mayor Smith read the ordinance by title only.

MOTION

Alderman Faivre moved to approve first reading. Alderman McAdams seconded.

VOTE


MOTION

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

VOTE

3. Ordinance 2019-061 Amending Chapter 33 “Peddlers, Solicitors and Itinerant Merchants”, Section 33.13 “Food or Beverage Vending Vehicle” as it Pertains to the Licensing of Food and Beverage Vending Vehicles, and Minor Text Amendments throughout the Chapter.

Mayor Smith read the ordinance by title only.

MOTION

Alderman Verbic moved to approve first reading. Alderman Fagan seconded.

Steve Kapitan expressed concerns about business matters such as unfair competition and low fees. He also pointed out this ordinance is linked to the ordinance about the city clerk and said there is time to fix the clerk’s issues first.

MOTION

Alderman McAdams moved to amend the ordinance by retaining the current language directing license issuance by the city clerk and removing the proposed change to issuance by the executive assistant. Alderman Morris seconded.

VOTE


VOTE


Mayor Smith read the ordinance by title only.

MOTION
Alderman Faivre moved to pass first reading. Alderman Fagan seconded.

VOTE


MOTION

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

VOTE


Mayor Smith read the ordinance by title only.

MOTION

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

VOTE


MOTION

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

VOTE


M. REPORTS AND COMMUNICATIONS
1. Council Member Reports

Aldermen McAdams, Verbic, and Faivre thanked Alderman Fagan for his service to City Council.

Alderman Morris explained that she would not answer a question in an online forum if more than two council members are tagged to answer, due to Open Meetings Act concerns. She also said she supports passage of an ordinance to allow council members to participate in meetings remotely.

Alderman Finucane announced the upcoming King Commons Unity Walk.

Alderman Fagan announced this Council meeting was his last.

Alderman McAdams said the Illinois Municipal League (IML) conference was informative, mentioning changes in state law particularly.

Alderman Verbic said he also supports remote attendance for council members. He announced his next ward meeting would be held in early-to-mid October and include a discussion of the future of the city clerk’s position.

Alderman Faivre announced the upcoming Corn Classic race.

Mayor Smith said he is collecting suggestions related to the appointment of an alderman in the Fourth Ward to replace the departing Alderman Fagan. He also talked about a forum he attended with the Sycamore mayor, topics of interest covered at the recent Illinois Municipal League conference, and census-related activities.

2. City Clerk Report

Clerk Fazekas gave no report.

3. City Manager Report

City Manager Nicklas announced the DeKalb Park District’s approval of the intergovernmental agreement regarding the new DeKalb city hall, the police department’s training collaboration with NIU’s PD, and his own upcoming move into a house in DeKalb.

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

No executive session was authorized during this meeting.

O. ADJOURNMENT
MOTION

Alderman Fagan moved to adjourn the regular meeting at 8:24 p.m. Alderman Faivre seconded.

VOTE

Motion carried on majority voice vote. Mayor Smith declared adjournment at 8:24 p.m.

____________________________
LYNN A. FAZEKAS, City Clerk

Approved by City Council: October 14, 2019.