MINUTES
CITY OF DEKALB
REGULAR CITY COUNCIL MEETING
OCTOBER 28, 2019

The City Council of DeKalb, Illinois held a Regular City Council meeting on October 28, 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 Tracy Smith, Alderman Scott McAdams, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Staff present included: City Manager Bill Nicklas, Interim Police Chief John Petragallo, Assistant Public Works Director Bryan Faivre, and City Attorney John Donahue.

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

In addition to leading the Pledge, a Flag Ceremony was conducted by Gideon Court Girl Scout Troop 40111.

C. APPROVAL OF THE AGENDA

Mayor Smith asked for any desired changes to the agenda. None were offered.

MOTION

Alderman Finucane moved to approve the agenda. Alderman Faivre seconded.

VOTE

Motion carried 7-0 on roll call vote. Aye: Morris, Finucane, Smith, McAdams, Verbic, Faivre, Mayor Smith. Nay: none. Mayor Smith declared the agenda approved.

D. PUBLIC PARTICIPATION

Dewayne Brown spoke to the proposed distribution center known as Chicago West. Mr. Brown urged the City to work with the new company and not to lose opportunities for business, revenue, and growth. He said he hoped Council would approve the center.
Ingrid Inboden identified herself as living on South Fourth Street and she spoke to the Chicago West development. Ms. Inboden presented concerns about drainage and beavers tunneling under the bridge. She also expressed concern about well water, and brought a copy of a well report with her for the record.

Mark Charvat described recent increases in water bills as dramatic, and furthermore commented that the units used in water billing are imprecise. He also said he would like for the City’s selective publication of responses to Freedom of Information Act to be fixed; that the next Fourth Ward alderman should not have so many business interests that his/her ability to vote is impaired; and that the finance advisory committee is valuable to the budget process and should have begun meeting much earlier in the year.

Kathy Kivisto identified herself as a resident on South Fourth Street. She spoke to the Chicago West development, saying she has the driveway closest to Gurler Road. Ms. Kivisto expressed concern about road widening as part of the development that would necessitate taking her yard and said the Illinois Department of Transportation told her expansion of the roadway is a possibility.

Robert Feldacker, Fifth Ward, spoke in support of the ordinance allowing adult use of cannabis, but said he sees a problem in limiting the facilities to dispensaries only.

Jake DeSilva said he moved to DeKalb from Ohio in August. He said he supports the cannabis proposal as a growth industry, and would like to see other types of facilities permitted besides dispensaries.

E. PRESENTATIONS

1. Promotion of Ryan Wilkens to Police Sergeant.

Interim Police Chief Petragallo introduced Sergeant Wilkens, and Clerk Fazekas administered the oath of office.

2. Kishwaukee YMCA – Camp Power FY2019 Human Services Funding Report by Development Director Sheridan Ernst.

Ms. Ernst reported on an increase in the number of children served by the program, a nutrition initiative new this year, and field trips. She shared a slide show of activities.

F. APPOINTMENTS

There were none.
G. CONSENT AGENDA

1. Minutes of the Regular City Council Meeting of October 14, 2019.


4. Year-to-Date Revenues and Expenditures through August 2019.


6. FY2019 Human Services Funding Third Quarter Report.

Mayor Smith read each item of the consent agenda and asked Council if there were requests for removal of any item for separate consideration. There were none.

MOTION

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

VOTE

Motion carried 7-0 on roll call vote. Aye: Finucane, Smith, McAdams, Verbic, Faivre, Morris, Mayor Smith. Nay: none. Mayor Smith declared passage of the consent agenda.

H. PUBLIC HEARINGS

1. Public Hearing Regarding a First Amendment to an Annexation Agreement for the Property Located Between Route 23, Gurler Road, Crego Road and I-88 (DeKalb 343, LLC).

Mayor Smith read the title of the public hearing and opened the hearing at 6:30 p.m.

Jerry Krusinski of St. Charles spoke on behalf of the Chicago West Business Center in requesting an amendment to the original annexation agreement. Mr. Krusinski said he's worked closely with the community and DeKalb County Economic Development Corporation (DCEDC). He said he wants to be a good neighbor and to continue with the same high standards as developed in 2006.

Paul Borek, of DCEDC, described the mission of the organization of 200 members and its support for diversification and sustainability of economic growth in DeKalb County via
public-private partnerships. He voiced support for the amendment to expand the local tax base. He said the new food-related businesses could partner with NIU’s Center for Community Sustainability, and he anticipates increases in housing stock and wages.

Paul Callighan, of DeKalb, spoke in support of the amendment, noting his personal knowledge of the depth of investment in infrastructure on the site, including measures taken in stormwater management and other technical and environmental due diligence. Mr. Callighan predicted positive impacts on the community from the types of development proposed, and he said it is not unusual to revise a conceptual plan as is occurring with this proposal.

Steve Kapitan, DeKalb resident, said he welcomed the development but, as annexations are permanent commitments to business owners, has concern that much had taken place during the previous five days that needs further deliberation. Specifically, he said there are no graphical representations of the original plan to compare with the amended one, and he said it is unclear whether anticipated additional proposed or final amendments will be approved by Council or staff.

John Conlin identified himself as a 41-year resident of South Fourth Street and said he is very concerned about some of the future developments as the process goes forward, including road widening and improvements, detention storage capacity, additional traffic, building heights, and what berms will look like. Mr. Conlin observed that it will be the Illinois Department of Transportation that determines rights of way, not the developer, and said he is unaware of the developer’s having talked to any residents except those he wants to buy property from. He said he’d like to know more about the types of jobs that will be created. Mr. Conlin particularly described poor drainage in the area, saying the water table is not far down and there is already water ponding, with Veterans Memorial Park “a lake.” He said he wants Council to dig into these issues.

After determining Council had heard from all parties who had signed up to speak, Mayor Smith closed the hearing at 6:52 p.m.

I. CONSIDERATIONS


Council discussed a conflict with one of the special Council meetings on the schedule and changed the meeting proposed for November 19th to the 20th instead.

2. Consideration of a Waiver of City Impact Fees for Attached Single Family Townhomes in the Wineberry Subdivision.
Jared Croslow said he’s exploring development of townhomes on three lots that have been vacant for 10 years. He asked Council to consider waiving fees for attached homes. He noted that waivers had been approved in 2017 for up to 100 new homes in three subdivisions, including Wineberry, and he asked that the waiver apply to attached single family homes as well.

City Manager Nicklas said Council might also consider including townhomes in other subdivisions subject to the waivers, namely South Pointe Greens and Rivermist. He said 28 of the 100 waivers have been issued.

Council consensus was for staff to proceed with an ordinance addressing the proposal.

3. Consideration of an Additional Video-Gaming Liquor License to Address an Unforeseen and Unintended Conflict between Petitioners.

City Manager Nicklas explained that two gaming hopefuls have been proceeding through the application process at the same time, but only one license is still available under the limit set by Council. He said temporarily raising of the limit by one license appears to be the fairest way to resolve the issue, and the limit would return to 10 licenses once any licensee no longer renews.

Council members voiced no objection to handling the issue in this manner.

J. RESOLUTIONS


Mayor Smith read the resolution by title only.

MOTION

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

Mayor Smith commented this was the fourth or fifth City property successfully marketed.

VOTE

Motion carried 7-0 on roll call vote. Aye: Smith, McAdams, Verbic, Faivre, Morris, Finucane, Mayor Smith. Nay: none. Mayor Smith declared the resolution approved.
2. Resolution 2019-146 Amending the Property Tax Abatement Qualifying Criteria and Definitions in the DeKalb County Enterprise Zone.

Mayor Smith read the resolution by title only.

MOTION

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

City Manager Nicklas said the amendment would broaden the definition of knowledge-based companies to include data centers, and would include NIU research parks as well.

VOTE

Motion carried 7-0 on roll call vote. Aye: McAdams, Verbic, Faivre, Morris, Finucane, Smith, Mayor Smith. Nay: none. Mayor Smith declared the resolution approved.

3. Resolution 2019-147 Authorizing a Waiver of Competitive Bidding and Payment to Foster & Foster, Inc. in the Amount of $20,062 for Fiscal Year 2019 Actuarial Services.

Mayor Smith read the resolution by title only.

MOTION

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

City Manager Nicklas said the escalator in the multi-year contract brought the annual expense over his spending limit of $20,000 and triggered the need for Council approval.

VOTE

Motion carried 7-0 on roll call vote. Aye: Verbic, Faivre, Morris, Finucane, Smith, McAdams, Mayor Smith. Nay: none. Mayor Smith declared the resolution approved.

K. ORDINANCES – SECOND READING

There were none.

L. ORDINANCES – FIRST READING

Mayor Smith read the ordinance by title only.

MOTION

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

Steve Kapitan called it inconsistent to permit dispensaries but exclude growing and distribution.

Mayor Smith observed that speakers earlier in the meeting also oppose the limitations on types of facilities contained in provision “N,” and said he respected that.

City Manager Nicklas said the City needs to see how the state defines the rules for other types of facilities and that the ordinance can be revised later.

Alderman Morris argued that striking “N” from the ordinance would be welcoming to business.

MOTION

Alderman Verbic moved to strike item “N” from the ordinance. Alderman Morris seconded.

Council discussion centered on the business-positive message the removal of limitations on facilities would send, versus concern about the current lack of framework; i.e., decisions related to zoning and other specifications yet to be made.

VOTE

Motion to amend carried 5-2 on roll call vote. Aye: Faivre, Morris, McAdams, Verbic, Mayor Smith. Nay: Smith, Finucane.

VOTE

2. Ordinance 2019-070 Amending Ordinance 2006-107 and Ordinance 2006-109 to Accommodate an Approximately 1,222,400 Square Foot Food Distribution Center and a 466,560 Square Foot Food Packaging Center for Property Located Between Route 23, Gurler Road, Crego Road and I-88 (Chicago West Business Center – DeKalb 343, LLC).

Mayor Smith read the ordinance by title only.

MOTION

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

Steve Kapitan said the site plan shows 10 access points on Gurler Road when the property is fully built out. He said this would eliminate the chance for Gurler to become the final leg of the Peace Road bypass linking to Route 23 on the south side of DeKalb, which would force land acquisition for the purpose. Mr. Kapitan urged due deliberation in the matter, including consultation with the county.

VOTE

Motion carried 7-0 on roll call vote. Aye: Finucane, Smith, McAdams, Verbic, Faivre, Morris, Mayor Smith. Nay: none.

MOTION

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

VOTE

Motion carried 7-0 on roll call vote. Aye: Smith, McAdams, Verbic, Faivre, Morris, Finucane, Mayor Smith. Nay: none. Mayor Smith declared the ordinance approved.

M. REPORTS AND COMMUNICATIONS

1. Council Member Reports

Alderman Morris reported her recent ward meeting included discussion of concerns about water bills and parking issues.

Alderman Finucane said he is looking forward to budget activities.
Alderman McAdams announced his ward meeting taking place later in the week.

Alderman Verbic gave a reminder of an upcoming DeKalb Tenants Association meeting.

Mayor Smith announced the new Fourth Ward alderman would be named at the next Council meeting. He also reported legislative follow-up on transit, airport, and food hub projects. He said leaf collection has begun and so has the new Number 9 (Fairview) transportation route.

2. City Clerk Report

Clerk Fazekas gave no report.

3. City Manager Report

City Manager Nicklas gave no report.

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

No executive session was authorized during this meeting.

O. ADJOURNMENT

MOTION

Alderman Morris moved to adjourn at 7:59 p.m. Alderman Smith seconded.

VOTE

Motion carried on majority voice vote. Mayor Smith declared the regular council meeting adjourned at 7:59 p.m.

LYNN A. FAZEKAS, City Clerk

Passed by City Council: November 12, 2019.