

AUTHORIZING THE RELEASE OF CERTAIN EXECUTIVE SESSION MEETING MINUTES AND THE DESTRUCTION OF CERTAIN VERBATIM RECORDINGS.

WHEREAS, the Illinois Open Meetings Act, 5 ILCS 120/1, *et seq.* (the "OMA") requires all public bodies to periodically meet to review minutes of all closed meetings, make a determination as to whether said minutes still require confidential treatment, and report said determination in an open session; and

WHEREAS, the corporate authorities of the City of DeKalb (the "City") met to review the minutes of their closed meetings, made a determination as to need for confidentiality of said minutes, and now report said determination pursuant to the provisions of this resolution; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DEKALB, ILLINOIS:

SECTION 1: The City's corporate authorities approve the minutes of the executive session meetings as indicated on Exhibit A attached hereto and incorporated herein by reference (the "Executive Session Meetings Index"). Additionally, the City's corporate authorities approve the release of executive session minutes indicated as being recommended for release on the Executive Session Meetings Index. Moreover, the City's corporate authorities find that the need for confidentiality still exists as to all or part of those minutes indicated as not being recommended for release on the Executive Session Meetings Index. Furthermore, the City's corporate authorities approve the destruction of the verbatim recordings of those executive session meetings which are older than 24 months and which the City's corporate authorities have approved the written minutes thereof. Finally, the City's corporate authorities authorize and direct the Executive Assistant to take all necessary actions to effectuate this resolution.

SECTION 2: This resolution shall be effective upon its passage and approval as provided by law.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, at a Regular meeting thereof held on the 13th day of December and approved by me as Mayor on the same day. Passed by 96-0-2 roll call vote under the Consent Agenda as follows:

Morris: Absent

Larson: Aye

Smith: Aye

Perkins: Aye

McAdams: Absent

Verbic: Aye

Faivre: Aye

Barnes: Aye



Cohen Barnes
COHEN BARNES, Mayor

ATTEST:

A large, stylized handwritten signature in black ink, appearing to read "Ruth A. Scott".

Ruth A. Scott, Executive Assistant

EXHIBIT A
("The Executive Session Meetings Index")



EXECUTIVE-CLOSED SESSION MINUTES INDEX

2007		Recommendation for Release	
		Yes	No
January 8, 2007 (COW) Approved: August 13, 2007	Collective Bargaining Land Acquisition Pending Litigation	Released: July 9, 2018	
January 22, 2007 (Regular) Approved: August 13, 2007	Land Acquisition	Released: July 9, 2018	
February 12, 2007 (Regular) Approved: August 13, 2007	Land Acquisition Personnel	Released: August 13, 2007	
February 26, 2007 (COW) Approved: August 13, 2007	Personnel	Released: July 9, 2018	
March 12, 2007 (Regular) Approved: August 13, 2007	Collective Bargaining Land Acquisition	X	
March 26, 2007 (COW) Approved: August 13, 2007	Imminent Litigation	Released: July 9, 2018	
April 9, 2007 (COW) Approved: August 13, 2007	Collective Bargaining Personnel	X	
April 23, 2007 (COW) Approved: August 13, 2007	Land Acquisition	Released: April 13, 2009	
May 14, 2007 (Regular) Approved: August 13, 2007	Collective Bargaining	X	
	Land Acquisition	Released: March 22, 2021	
May 29, 2007 (Regular) Approved: August 13, 2007	Imminent Litigation	Released: April 13, 2009	
June 11, 2007 (Regular) Approved: August 13, 2007	Land Acquisition Real Property	Released: October 27, 2008	
June 25, 2007 (Regular) Approved: August 13, 2007	Pending Litigation Personnel	Released: July 9, 2018	
July 16, 2007 (COW) Approved: February 11, 2008	Worker's Compensation	Released: July 9, 2018	
July 23, 2007 (COW) Approved: February 11, 2008	Personnel Worker's Compensation	Released: July 9, 2018	
August 13, 2007 (Regular) Approved: February 11, 2008	Imminent Litigation Land Acquisition	Released: July 9, 2018	
August 27, 2007 (Regular) Approved: February 11, 2008	Imminent Litigation Land Acquisition	Released: July 9, 2018	
September 24, 2007 (COW) Approved: February 11, 2008	Personnel Real Estate	Released: July 9, 2018	
October 8, 2007 (COW) Approved: February 11, 2008	Collective Bargaining Personnel	X	



EXECUTIVE-CLOSED SESSION MINUTES INDEX

2007		Recommendation for Release	
		Yes	No
October 22, 2007 (COW) Approved: February 11, 2008	Collective Bargaining Land Acquisition	Released: July 9, 2018	
November 13, 2007 (COW) Approved: February 11, 2008	Land Acquisition Pending or Imminent Litigation	Released: July 9, 2018	
November 26, 2007 (COW) Approved: February 11, 2008	Personnel	X	
December 10, 2007 (Regular) Approved: February 11, 2008	Collective Bargaining	X	
	Land Acquisition	Released: March 22, 2021	
	Personnel	X	

Audio recordings of the 2007 Executive Session meetings destroyed August 9, 2019, as per Resolution 2019-110.

**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
January 8, 2007**

The City Council of DeKalb, Illinois, held a closed session on Monday, January 8, 2007 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 7:37 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Kris Povlsen, Alderman Steve Kapitan, Alderman Donna Gorski, Alderman Patrick Conboy, Alderman David Baker and Alderman James Barr. Alderman Karega Harris was absent.

Also present were: Mark Biernacki, City Manager; Linda Wiggins, Assistant City Manager; Norma Guess, City Attorney; Joel Maurer, Director of Engineering Services; and Donna Johnson, City Clerk.

LAND ACQUISITION:

Mr. Biernacki reported the owner of property at 211 East Locust Street has indicated a willingness to sell the property to the City. Following discussion, Council concurred with staff proceeding to get an appraisal for the property.

Mr. Biernacki reported on the possibility of acquiring parcels of property on the Northeast and Southeast corners of East Locust and North First Streets. He reviewed some cost estimates for purchase of property, acquiring environmental reports and an estimated amount of environmental clean-up of one site. If acquired, these sites would be used as part of the downtown redevelopment project. Following discussion, council concurred that staff should proceed with actions toward purchase of the properties.

Mr. Biernacki reported that a major commercial developer is interested in purchasing property on the South side of Lincoln Highway, between First Street and Pearl Street, for a commercial development project. The City is being asked if it is willing to use eminent domain to acquire property if any of the owners are not willing to sell. Discussion followed with some expressions of unhappiness with the idea of using eminent domain. Four aldermen expressed concurrence with proceeding with eminent domain, if necessary, to facilitate the project.

COLLECTIVE BARGAINING:

Mr. Biernacki reported on the status of the agreement with AFSCME Local 813.

Mr. Maurer left the meeting.

Ms. Wiggins reported on proposed changes to the agreement with AFSCME. Council concurred.

Mr. Biernacki reviewed the status of the City insurance funds and the future prognosis with and increased cost to the City's operating budget. He discussed with Council possible revisions to union contracts for future negotiations that would provide for employees to assume more of the costs for insurance.

PENDING LITIGATION:

Ms. Guess reported on the status of a pending law suit with the proposed Kishwaukee Valley Water Authority.

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Kapitan. Motion carried 6-0-1 on voice vote. The closed session adjourned at 8:58 p.m.



Approved: August 13, 2007
Released: July 9, 2018

**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
January 22, 2007**

The City Council of DeKalb, Illinois, held a closed session on Monday, January 22, 2007 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular meeting of the same day.

The closed session started at 7:45 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Karega Harris; Alderman Kris Povlsen, Alderman Steve Kapitan, Alderman Donna Gorski, Alderman Patrick Conboy, Alderman David Baker and Alderman James Barr.

Also present were: Mark Biernacki, City Manager; Norma Guess, City Attorney; Bill Feithen, Police Chief; and Donna Johnson, City Clerk.

LAND ACQUISITION:

Mr. Biernacki reported the status of the proposed purchase of property at 211 East Locust Street. The appraised priced is \$40,800. Council concurred with proceeding with the purchase.

Mr. Biernacki reported on the status of acquiring parcels of property on West Lincoln Highway adjacent to the future police station site (Davenport property) and property at the North East corner of North 7th and Oak Street adjacent to Fire Station (Pumpfrey property). Also, an offer to purchase was just made for the Adolph Miller property at the South East corner of North 1st and Locust Streets. Mr. Miller recently died so further action may be delayed.

Mr. Biernacki reported on the status of a major commercial developer (Shodeen) interested in purchasing property on the South side of Lincoln Highway, between First Street and Pearl Street, for a commercial development project. An agreement has been reached with National Bank & Trust Company for the purchase of its property. Mr. Biernacki then outlined some possible financing plans for the project.

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Harris. Motion carried 7-0 on voice vote. The closed session adjourned at 8:04 p.m.

Approved: August 13, 2007
Released: July 9, 2018



MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
February 12, 2007

The City Council of DeKalb, Illinois, held a closed session on Monday, February 12, 2007 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular meeting of the same day.

The closed session started at 8:35 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Karega Harris; Alderman Kris Povlsen, Alderman Steve Kapitan, Alderman Donna Gorski, Alderman Patrick Conboy, Alderman David Baker and Alderman James Barr.

Also present were: Mark Biernacki, City Manager; Norma Guess, City Attorney; Joel Maurer, Director of Engineering Services; and Donna Johnson, City Clerk.

LAND ACQUISITION:

Mr. Biernacki reported on the settlement amounts of Motor Fuel Tax Funds needed for the acquisition of property for the Annie Glidden Road improvements. Council had no objections. Mr. Maurer left the meeting.

PERSONNEL, CITY MANAGER COMPENSATION/PERFORMANCE:

Mr. Biernacki provided information on the procedure for performance evaluation and compensation for his position. Mr. Biernacki left the meeting. Council discussed the process for evaluation.

ADJOURNMENT:

MOTION

Ald. Conboy moved to adjourn the closed session; seconded by Ald. Gorski. Motion carried 7-0 on voice vote. The closed session adjourned at 8:43 p.m.

Approved: August 13, 2007
Released: August 13, 2007




DONNA S. JOHNSON, City Clerk

**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
February 26, 2007**

The City Council of DeKalb, Illinois, held a closed session on Monday, February 26, 2007 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:33 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Karega Harris; Alderman Kris Povlsen, Alderman Steve Kapitan, Alderman Donna Gorski, Alderman Patrick Conboy, Alderman David Baker and Alderman James Barr.

Also present were: Norma Guess, City Attorney; and Donna Johnson, City Clerk.

PERSONNEL, CITY MANAGER COMPENSATION/PERFORMANCE:

Council discussed the City Manager job performance.

Ald. Harris moved to recess the closed session until completion of the regular meeting agenda; seconded by Ald. Conboy. Motion carried 8-0 on voice vote. Mayor Van Buer declared the session recessed at 6:55 p.m.

The closed session continued at 8:23 p.m.

Mayor Van Buer briefly opened the meeting to the public at 8:59 p.m. for the purpose of extending the adjournment time.

Following discussion, Council concurred with an increase to Grade 11, Step 11 of the administration pay plan (\$132,458.43 annual salary) for the City Manager, including the cost of living increase to be determined by July 1st. A majority of Council (4-3) agreed that the City Manager also be given a one-time cash bonus of \$1,000.00.

Mr. Biernacki entered the meeting at 9:25 p.m. Council reviewed the job performance evaluation with Mr. Biernacki.

ADJOURNMENT:

MOTION

Ald. Harris moved to adjourn the closed session; seconded by Ald. Gorski. Motion carried 7-0 on voice vote. The closed session adjourned at 9:50 p.m.



DONNA S. JOHNSON City Clerk

**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
MARCH 12, 2007**

The City Council of DeKalb, Illinois, held a closed session on Monday, March 12, 2007 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular meeting of the same day.

The closed session started at 7:35 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Steve Kapitan, Alderman Patrick Conboy, Alderman David Baker and Alderman James Barr. Absent were: Alderman Karega Harris, Alderman Kris Povlsen and Alderman Donna Gorski,

Also present were: Mark Biernacki, City Manager; Norma Guess, City Attorney; Bill Feithen, Police Chief, and Donna Johnson, City Clerk.

COLLECTIVE BARGAINING: Mr. Biernacki reviewed the health insurance costs to the City and noted that any change in the provisions for union employees must be negotiated. They will start with the firefighters union, which is a tough one. He recommended the City hire a negotiator with expertise in insurance if the union wants to go to formal negotiations.

LAND ACQUISITION: Ms. Guess reported on the status of discussion concerning purchase of the Davenport property on West Lincoln Hwy., adjacent to the future police station site. Appraisals are varied depending on whether it is concerned residential or commercial property. It was agreed to remain with an offer of \$280,000 or threat of eminent domain.

Mr. Biernacki discussed the possible purchase of the Egyptian Theatre with TIF funds. He recommended waiting for one year to see how operations continue under the new Director. Council concurred.

Mr. Biernacki discussed the idea of the City obtaining ownership and demolishing the former National City Bank building at the northwest corner of 4th Street and Lincoln Highway. He recommended sending a letter to the Illinois Department of Transportation to begin the process without making a commitment yet. Following discussion, Council concurred with the Manager expressing interest in acquiring the property.

Mr. Biernacki reported that the DeKalb Clinic is now considering staying in the current location and is interested in the downtown renewal efforts. Council concurred with continuing discussions.

Mr. Biernacki reviewed TIF options for the extended future in connection with property acquisition for the downtown renewal plan. He recommended keeping the TIF district the same size, declaring a surplus and returning half of the funds to each district for their own use. He noted that all districts must agree. There will also be a need for individual micro TIF areas for future projects. Council agreed that further discussion should occur when all Council members are present.

ADJOURNMENT:

MOTION

Ald. Kapitan moved to adjourn the closed session; seconded by Ald. Conboy. Motion carried 4-0-3 on voice vote. The closed session adjourned at 8:50 p.m.



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
March 26, 2007**

The City Council of DeKalb, Illinois, held a closed session on Monday, March 26, 2007 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:45 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Karega Harris, Alderman Kris Povlsen, Alderman Steve Kapitan, Alderman Donna Gorski, Alderman David Baker and Alderman James Barr. Alderman Patrick Conboy was absent.

Also present were: Mark Biernacki, City Manager; Norma Guess, City Attorney; Rudy Espiritu, Assistant City Manager; and Donna Johnson, City Clerk.

IMMINENT LITIGATION:

Mr. Biernacki reported the DeKalb County Building & Development Association had threatened litigation if the City proceeded with the revised impact fee/land-cash ordinance for the Park District.

Ms. Guess explained that she did not agree with the Association claims and in her legal opinion, what is being proposed is valid and defensible. Council discussion followed.

ADJOURNMENT:

MOTION

Ald. Barr moved to adjourn the closed session; seconded by Ald. Harris. Motion carried 6-0-1 on voice vote. The closed session adjourned at 7:00 p.m.

Approved: August 13, 2007
Released: July 9, 2018


DONNA S. JOHNSON City Clerk

**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
APRIL 9, 2007**

The City Council of DeKalb, Illinois, held a closed session on Monday, April 9, 2007, in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:45 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Karega Harris, Alderman Kris Povlsen, Alderman Steve Kapitan, Alderman Donna Gorski, Alderman Patrick Conboy, Alderman David Baker and Alderman James Barr.

Also present were: Mark Biernacki, City Manager; Norma Guess, City Attorney; Rudy Espiritu, Assistant City Manager; and Donna Johnson, City Clerk.

PERSONNEL. COLLECTIVE BARGAINING: Mr. Biernacki explained a change in strategy in approaching the unions for changes in the costs for health care coverage. He recommended starting with the AFSCME union first, then Police and Firefighters last. This will be a long-term procedure that cannot be done all at once. It may be better to make changes a little at a time instead of pushing for all at once. Ald. Kapitan asked when changes would be made in administration/management insurance. Mr. Biernacki responded that would occur the same time as the AFSCME union. Ms. Guess explained that some unions can use arbitrators for negotiations; AFSCME can not. Staff was advised by the consultants to use this method.

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Harris. Motion carried 7-0 on voice vote. The closed session adjourned at 6:55 p.m.

Minutes Approved: August 13, 2007
Released: December 13, 2021



MINUTES

CLOSED SESSION OF CITY COUNCIL OF THE CITY OF DEKALB

April 23, 2007

The City Council of DeKalb, Illinois, held a closed session on Monday, April 23, 2007 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:37 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Karega Harris, Alderman Kris Povlsen, Alderman Steve Kapitan, Alderman Donna Gorski, Alderman Patrick Conboy, Alderman David Baker and Alderman James Barr.

Also present were: Mark Biernacki, City Manager; Norma Guess, City Attorney; Rudy Espiritu, Assistant City Manager; Bill Feithen, Police Chief; Rick Monas, Director of Public Works; Tom Cleveland, ADPW-Airport Manager; and Donna Johnson, City Clerk.

LAND ACQUISITION:

Mr. Monas reported on the appraisal received for the Hudgins property the City wishes to purchase for airport use. This property was appraised at \$31,000 per acres which is lower than the previous amount of \$45,000 per acres for the Winters property. Staff is requesting direction to proceed with an offer to the Hudgins for \$31,000 per acre for 63 acres. Council had no objections to proceeding. Mr. Monas and Mr. Cleveland left the meeting.

Ms. Guess reported on negotiations to purchase the Davenport property, on West Lincoln Highway adjacent to the future police station site. Approval is requested to negotiate with a maximum offer of \$295,000 plus attorney fees for the owner. Council concurred with proceeding.

Mr. Biernacki reported on property sold by the City to Frank Schermerhorn with the provision that a single family residence be built in a specified time. This is the former "Ollie's" site located on Sycamore Road, southwest of 13th Street. Ms. Guess explained the details of the delay involving concerns with financing the construction as originally planned. Now the plans have been revised and some changes made to receive approval for financing. The City may approve the new plans and allow additional time to start construction or take legal action to enforce the original agreement. Following discussion, Council concurred with allowing an additional 30 days to start construction with the new plans.

ADJOURNMENT:

MOTION

Ald. Conboy moved to adjourn the closed session; seconded by Ald. Gorski. Motion carried 7-0 on voice vote. The closed session adjourned at 6:52 p.m.




DONNA S. JOHNSON, City Clerk

**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
MAY 14, 2007**

The City Council of DeKalb, Illinois, held a closed session on Monday, April 23, 2007, in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular meeting of the same day.

The closed session started at 7:50 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Bertrand Simpson, Alderman Kris Povlsen, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Norma Guess, City Attorney; Rudy Espiritu, Assistant City Manager; Bill Feithen, Police Chief; Rick Monas, Director of Public Works; Russ Farnum, Director of Community Development; Sue Guio, Community Services Planner; and Donna Johnson, City Clerk.

COLLECTIVE BARGAINING: Chief Feithen advised Council of a new proposal to have police officers work 10-hour shifts, four days a week with 3 days off. Hopefully, this change would result in less overtime costs in the department. The Police Lodge 115 has approved the change for a 12-month trial period during which overtime would be tracked for comparison to past records. With Council approval, a side letter to the union agreement would be prepared for the next regular meeting agenda. Council concurred with proceeding.

Mr. Biernacki reported on negotiations with the IAFF, Firefighters union. The professional legal consultants advised increasing insurance costs paid by employees in increments. The current recommendation is for a three-year contract with salary increases of 5% in year one and 4% in year two and year three. The 1% extra would be in return for an employee increase to 3% contribution of salary for single coverage and 5% for dependent coverage. He reviewed some other proposed revisions including a change in deductible for care by physicians who are not in the City's network. Staff estimates a net savings to the City of \$190,000 over a four-year period. Mr. Biernacki stressed that this information is tentative for now. Council discussion followed.

Chief Russell explained proposed changes in rank titles from Captain to Battalion Chief and Lieutenants to Captains. Council concurred.

LAND ACQUISITION: *(Released: March 22, 2021)* Mr. Biernacki reported the appraisal value of property located at the northeast corner of Lincoln Highway and Tenth Street was \$105,000. The owners of this property also own a residence at 1118 Pleasant Street. They would be willing to sell and move if the City would provide assistance in repairs of the Pleasant Street home. Staff recommends an expenditure of up to \$150,000 for the property purchase and repairs of the other home. Mr. Farnum noted that reimbursement for repairs would be made only after repairs were completed.

Ald. Baker said he would want back-up lien waivers. Ms. Guess explained the process including having the deed and funds in escrow until all conditions are met.

During discussion, Ald Gorski expressed hesitation in giving approval and Ald. Naylor was concerned if the Pleasant Street property was worth the additional investment. Following further discussion, Council concurred with proceeding.

Chief Russell, Mr. Farnum and Ms. Guio left the meeting.

Mr. Biernacki reported there are two residential lots for sale by the Water Operations building. He wanted to advise Council of this opportunity to purchase property for future expansion needs, but he did not recommend pursuing the purchase at this time. Ald. Naylor noted it would be wise to look at a purchase for the future, if not now. Council concurred with no action at this time.

Mr. Biernacki reported the status of negotiations to purchase the Davenport property, on West Lincoln Highway adjacent to the future police station site. The City has made a counteroffer of \$285,000.

Mr. Monas left the meeting.

Mr. Biernacki explained proposed options for financing the new police station.

Mayor Van Buer briefly opened the meeting to the public at 8:58 p.m. for the purpose of extending the adjournment time.

Mr. Biernacki concluded by noting there is a lot to think about, especially for the new aldermen, but direction will be needed in the near future. Mr. Naylor asked, and Mr. Biernacki responded with his willingness to meet with aldermen either one or two at a time to review the on-going projects in more detail.

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Keller. Motion carried 7-0 on voice vote. The closed session adjourned at 9:15 p.m.



Minutes Approved: August 13, 2007
Partial Release: March 22, 2021 (Land Acquisition)
Full Release: December 13, 2021

MINUTES

CLOSED SESSION OF CITY COUNCIL OF THE CITY OF DEKALB

May 29, 2007

The City Council of DeKalb, Illinois, held a closed session on Monday, May 29, 2007 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular meeting of the same day.

The closed session started at 7:57 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Kris Povlsen, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller. Alderman Bertrand Simpson was absent

Also present were: Norma Guess, City Attorney; Rudy Espiritu, Assistant City Manager; and Donna Johnson, City Clerk.

IMMINENT LITIGATION:

Ms. Guess advised Council of a matter concerning the pending sale of the Joyce Pontiac car dealership on Sycamore Road. Mike Vassallo established the Joyce Pontiac dealership in DeKalb under an agreement with the City wherein the City advanced funding to assist with the project and agreed to share a portion of sales tax income in a rebate to Mr. Vassallo. In return, the City received a guarantee that a certain number of manufacturers would remain in DeKalb and the dealership would remain in business for a set amount of time. Mr. Vassallo will be selling two vehicle brands to Mike Mooney's dealership and plans to sell the remaining brands to Brian Bemis. Even though the agreement provides for assignment of the terms, Mr. Bemis has stated that he was not willing to assume the terms of the agreement. Ms. Guess advised that it may be necessary to go to litigation to protect the interests of the City for the remainder of the agreement.

Following discussion, Council concurred with proceeding with litigation, if necessary, with the primary focus being to insure that Mike Vassallo honor the terms of the agreement he made.

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Naylor. Motion carried 6-0-1 on voice vote. The closed session adjourned at 8:51 p.m.




DONNA S. JOHNSON, City Clerk

MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB

June 11, 2007

The City Council of DeKalb, Illinois, held a closed session on Monday, June 11, 2007 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular meeting of the same day.

The closed session started at 8:00 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Bertrand Simpson, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller. Alderman Kris Povlsen was absent.

Also present were: Mark Biernacki, City Manager; Norma Guess, City Attorney; Rick Monas, Director of Public Works; Tom Cleveland, ADPW, Airport Manager; and Donna Johnson, City Clerk.

LAND ACQUISITION:

Mr. Biernacki gave a status report on negotiations for the purchase of a portion of the Hudgins property for use as a part of the DeKalb Taylor Municipal Airport. He noted that Eagle Homes is still pursuing part of the property for residential homes to be annexed to Cortland.

REAL PROPERTY:

Mr. Monas reported that 6 of 10 airplane hangars are currently not rented. Staff has reviewed the concept of converting some hangars to condo units that may be purchased. Research shows that the market is changing and this may now be more feasible than strictly renting. It would be advisable to insulate and heat the units at an estimated cost of \$4,500 per unit. The selling price for a base unit would be \$55,000 and a 50 year land lease would go with the building. Following discussion, Council concurred with proceeding.

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Keller. Motion carried 6-0-1 on voice vote. The closed session adjourned at 8:22 p.m.




DONNA S. JOHNSON, City Clerk

**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
June 25, 2007**

The City Council of DeKalb, Illinois, held a closed session on Monday, June 25, 2007 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:19 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Bertrand Simpson, Alderman Kris Povlsen, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Bill Feithen, Chief of Police; Russ Farnum, Community Development Director; and Donna Johnson, City Clerk.

PENDING LITIGATION:

Ms. Guess reported on the status of the sale of the Joyce Pontiac dealership to Brian Bemis. She has received information that Mr. Bemis has a five-year lease with an option to purchase the property. She is more confident that the terms of the agreement with Mr. Vassallo will be upheld and it is her intent to hold off on any action on litigation at this point. She explained the manufacturers right to determine if vehicle brands may share a location or insist that they remain alone. Also, the City's obligation is to rebate about \$300,000 more of future sales tax revenue, but only if Mr. Bemis agrees to provide information on sales records.

PERSONNEL, EMPLOYEE PERFORMANCE:

Mr. Biernacki discussed his concerns with the property maintenance inspection program, due to the job performance of the Chief Property Maintenance Inspector/Plans Examiner. He did not feel this person would be able to handle an enhanced rental property inspection program. A Police Detective has expressed interest in retiring from the Police Department but would like to continue with other employment. Due to his past experience and knowledge, he would be an excellent candidate to establish and manage this new inspection program along with the existing duties. The current employee would then be demoted to an inspector position. Council approval would be needed to fill a resulting police department vacancy. If Council has no objections to proceeding, more information will be compiled on the possible use of fess from a new rental inspection program to off-set the costs of creating a new position.

Discussion followed including comments on the need to work with Northern Illinois University on an approved housing list, the possibility of including single family rental property, and getting approval for tenants to be able to allow access to property. Ald. Naylor requested more information in private on the proposed program before presenting it for public Council consideration.

Council members had no objections to proceeding.

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Keller. Motion carried 7-0 on voice vote. The closed session adjourned at 6:54 p.m.



DONNA S. JOHNSON, City Clerk

Approved: August 13, 2007
Released: July 9, 2018

**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
July 16, 2007**

The City Council of DeKalb, Illinois, held a closed session on Monday, July 16, 2007 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:53 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Bertrand Simpson, Alderman Kris Povlsen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller. Alderman Victor Wogen was absent

Also present were: Mark Biernacki, City Manager; Norma Guess, City Attorney; Rudy Espiritu, Assistant City Manager; Dawn Didier, Assistant City Attorney; and Donna Johnson, City Clerk.

WORKERS' COMPENSATION:

Ms. Didier reported on two pending cases involving Police Officers Espy and Petit. Settlement amounts were proposed, and it was noted they would be no further obligations for the City other than routine health insurance claims. Council had no objections to the settlements.

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Povlsen. Motion carried 6-0-1 on voice vote. The closed session adjourned at 7:00 p.m.

Approved: February 11, 2008
Released: July 9, 2018


DONNA S. JOHNSON Clerk

**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
July 23, 2007**

The City Council of DeKalb, Illinois, held a closed session on Monday, July 23, 2007 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:35 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Bertrand Simpson, Alderman Kris Povlsen, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Norma Guess, City Attorney; Rudy Espiritu, Assistant City Manager; Dawn Didier, Assistant City Attorney; Russ Farnum, Community Development Director; and Donna Johnson, City Clerk.

PERSONNEL:

Mr. Biernacki reported on the proposal to have a new property maintenance/code enforcement program implemented with Lt. Jim Kayes in charge following his retirement from the Police Department. He provided information as requested by Council on the aspects of the program including costs and financing.

Ald. Naylor expressed concern that the process seems to be backwards with deciding on the person before the program. He was also concerned about the public reaction to the new program and would prefer discussion on the program before making an employee commitment.

Ald. Baker was also concerned about the public reaction to the new program.

Mr. Farnum commented on program discussion at previous meetings and noted implementation is behind schedule. It was important to have a person with strong leadership skills to help implement the program.

Discussion followed on financing the program and Mr. Biernacki stressed that not all possible costs in the future are known at this time. He added that every college town in the State has a program like this.

Mr. Naylor reported that a member of the public had spoken to him about this matter that was supposed to be confidential. Ms. Guess reminded all present of the confidentiality concerns for closed session matters.

Council concurred with proceeding with the proposed program.

WORKERS' COMPENSATION:


Ms. Didier reported on two pending cases involving Police Officers. Settlement amounts were proposed. Council had no objections to the settlements.

ADJOURNMENT:

MOTION

Ald. Wogen moved to adjourn the closed session; seconded by Ald. Keller. Motion carried 7-0 on voice vote. The closed session adjourned at 7:05 p.m.

Approved: February 11, 2008
Released: July 9, 2018

The seal of the City of DeKalb, Illinois, is a circular emblem. It features a central shield with a plow and a sheaf of wheat, symbolizing agriculture. The shield is set against a background of a rising sun or a similar emblem. The words "CITY OF DEKALB" are inscribed in a circle around the top, and "STATE OF ILLINOIS" is inscribed around the bottom. Below the seal, the name "DONNA JOHNSON" is printed, followed by "City Clerk".

DONNA JOHNSON, City Clerk

**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
August 13, 2007**

The City Council of DeKalb, Illinois, held a closed session on Monday, August 13, 2007 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular meeting of the same day.

The closed session started at 8:20 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Bertrand Simpson, Alderman Kris Povlsen, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, and Alderman Brent Keller. Alderman David Baker was absent.

Also present were: Mark Biernacki, City Manager; Norma Guess, City Attorney; Rudy Espiritu, Assistant City Manager; Dawn Didier, Assistant City Attorney; Lanny Russell, Fire Chief; Bill Feithen, Police Chief; Joel Maurer, Director of Engineering Services; and Donna Johnson, City Clerk.

LAND ACQUISITION:

Mr. Maurer reported on the easements needed for the Bethany Road improvement project.

Mr. Biernacki reported on a change in the planned extension of Taylor Street to the east to connect with Peace Road. Mike Wood is interested in acquiring some of the land from the City. Mr. Maurer explained the short and long term uses of the land for storm water retention.

Ald. Naylor noted that he is not ready to sell the land until the City is sure about optional routes. He suggested a lease with an option to purchase. Ald. Gorski did not like this route at all since the land is needed for a pond area.

Ald. Gorski and Simpson were in favor of selling the land while Ald. Naylor and Povlsen were not. Council concurred with retaining the land for now with a lease option.

Mr. Maurer left the meeting.

IMMINENT LITIGATION:

Ms. Guess reported on the potential for litigation as a result of the NAPA monster truck accident on North 6th Street, by the railroad tracks. She did not believe the City would be responsible for any damages.

Chief Russell and Chief Feithen left the meeting.

LAND ACQUISITION:

Mr. Biernacki reported on the possibility of the Illinois Department of Transportation purchasing the

former bank building at the northwest corner of Lincoln Highway and Fourth Street (Routes 38 and 23). The building would be demolished, IDOT would use some land for intersection improvements and the remaining land may be available to the City for parking. He also reported on other sites that could possibly be acquired for parking needs. Discussion followed on various aspects of the downtown redevelopment plan and which land options to proceed with. Council concurred with concentrating on the area around the former bank building for parking needs.

ADJOURNMENT:

MOTION

Ald. Simpson moved to adjourn the closed session; seconded by Ald. Gorski. Motion carried 6-0-1 on voice vote. The closed session adjourned at 9:34 p.m.



DONNA S. JOHNSON, City Clerk

Approved: February 11, 2008
Released: July 9, 2018

**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
August 27, 2007**

The City Council of DeKalb, Illinois, held a closed session on Monday, August 27, 2007 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular meeting of the same day.

The closed session started at 8:15 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Bertrand Simpson, Alderman Kris Povlsen, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Norma Guess, City Attorney; Rudy Espiritu, Assistant City Manager; Russ Farnum, Community Development Director; Sue Guio, Community Services Planner; and Donna Johnson, City Clerk.

LAND ACQUISITION:

Mr. Biernacki reported that the property at 1003 East Lincoln Highway could be purchased for \$106,000. The owners could use \$60,000 of equity to rehab another house they own on Pleasant Street and move there. The City can offer \$10,000 of TIF and block grant funds to assist with the rehab. Council concurred with proceeding.

Mr. Farnum and Ms. Guio left the meeting.

IMMINENT LITIGATION:

Ms. Guess reported on the status of litigation as a result of the NAPA monster truck accident on North 6th Street, by the railroad tracks. The City has been named as a respondent now, but could become a defendant

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Keller. Motion carried 7-0 on voice vote. The closed session adjourned at 8:30 p.m.



DONNA S. JOHNSON City Clerk

**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
September 24, 2007**

The City Council of DeKalb, Illinois, held a closed session on Monday, September 24, 2007 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:22 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Bertrand Simpson, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller. Alderman Kris Povlsen was absent.

Also present were: Mark Biernacki, City Manager; Norma Guess, City Attorney; Rudy Espiritu, Assistant City Manager; and Donna Johnson, City Clerk.

REAL ESTATE:

Mr. Biernacki reported on the status of the possible purchase of property at 231 East Lincoln Highway. The appraisal price is \$126,000, but perhaps it could be lower since there are numerous code violations. Council concurred with proceeding with negotiations for the purchase.

Mr. Biernacki reported that Target plans to delay its expansion project, but wants the City to proceed with the transfer of property that will be needed. The City has ownership of the retention pond area and may grant a portion to Target for its needs while retaining enough for the City needs.

Ald. Naylor asked that there be included a clause that the property would revert back to the City if not used for the Target expansion.

Council concurred with proceeding.

PERSONNEL:

Mr. Biernacki responded to previous questions from Council members concerning the policy about City employees also having other employment. He did not see a conflict of interest for Russ Farnum in providing some planning service for the Waterman community. He reviewed examples of what is acceptable for managers, attorney and chiefs noting that there is no written policy, just a case by case practice.

Ald. Gorski expressed concern about public perception.

Mayor Van Buer did not support prohibiting outside work, rather a manager review of each instance.

Ald. Baker asked if there was any concern about insurance or workers compensation claims.

Mr. Biernacki noted that the Police Chief has a policy of not allowing officers to do any extra work for liquor license establishments.

Discussion followed on options to limit abuse of workers compensation claims from injuries received on other employment.

Mayor Van Buer concluded that the City should continue with the same policy while being aware of concerns expressed.

ADJOURNMENT:

MOTION

Ald. Naylor moved to adjourn the closed session; seconded by Ald. Gorski. Motion carried 6-0-1 on voice vote. The closed session adjourned at 6:59 p.m.



DONNA S. JOHNSON, City Clerk

Approved: February 11, 2008
Released: July 9, 2018

**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
OCTOBER 8, 2007**

The City Council of DeKalb, Illinois, held a closed session on Monday, October 8, 2007 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:22 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Bertrand Simpson, Alderman Kris Povlsen, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; and Diane Wright, Deputy City Clerk.

PERSONNEL: Mr. Biernacki advised the item pertains to Deputy City Clerk, Tonya Christensen. Attorney Guess advised Ms. Christensen unilaterally resigned last week, although it was not unexpected. Ms. Christensen made comments to staff prior to resigning that she would sue the City for discriminatory reasons. Attorney Guess suggested to Council that any inquiries from anyone made to them be deflected to her office, and that Council give no response when asked any questions on this matter.

Attorney Guess stated that Ms. Christensen has filed a petition for unemployment benefits, and the City has responded that she left her position voluntarily. That should be a basis for denial of those benefits.

Ald. Baker confirmed that Ms. Christensen was employed by the City Clerk. Attorney Guess responded affirmatively, but the City is responsible if there is a finding of discrimination, but that potential charge of discrimination has to do with the City Clerk's office only.

Ald. Povlsen inquired if any claims have been filed yet. Attorney Guess responded that generally one has to apply to the EEOC, and it is the City's understanding that she has been in contact with them.

Discussion followed including comments on the memo Ms. Christensen sent out to selected City employees and people outside the City.

COLLECTIVE BARGAINING: Mr. Biernacki advised the AFSCME contract expires at the end of the year, and we are in the beginning stages of negotiations. He added that Mr. Espiritu has the City's counter proposal which will be presented this coming Wednesday.

Mr. Espiritu stated management met with AFSCME representatives on September 26. They presented a list of points that, including a four-year contract. The City prefers a three-year contract. AFSCME is asking for a 6% wage increase this year, with no modifications to the cost of the health insurance plan to employees. They are requesting an increase of their class pay from 5% to 10% if they are asked to go into a higher job class in a temporary situation. Right now, for the first four days in a higher class, they are paid at an additional 5% rate. After that, they are paid at an additional 10% rate. They are asking for the additional 10% immediately.

Regarding on-call pay, they are requesting that Friday nights be added. Our position is to maintain the Saturday-Sunday on-call pay. Right now, if they are called in during those two days, they

receive a two-hour pay. Rather than giving them the Friday addition, we would increase their on-call pay for Saturday-Sunday to three hours. This is for Public Works only. Fire and Police are on-call 24 hours.

Discussion ensued regarding paying for three hours if someone is able to answer the problem on the phone, and the frequency of such.

Mr. Espiritu stated that Martin Luther King Day is a national holiday, and this could be something to give the Union later on in the negotiation process, but not at this time.

Mr. Espiritu stated the Union is asking for reimbursement for damaged clothing while on duty. There is a \$35 deductible, and the City says no on anything over \$35. Mr. Biernacki stated there is one issue in this category; the I&T Techs used to be part of the Public Works Department and received the clothing allowance along with Public Works. I&T works primarily in the office and spends little time "in the field." The City recommends that the I&T staff no longer receive the clothing allowance.

Another issue raised was that the City is asked to look at the Building Inspectors salary range, and Mr. Espiritu stated the City would agree to that.

Mr. Biernacki stated that employee's costs of health insurance premiums need to be looked at. Most cities assess a percentage of premiums, and the employer pays the balance. Insurance rates increase 10-12% per year, and salaries increase 3-4% per year. The gap between what the employees contribute and what the City pays continues to grow. The City is proposing that employees will pay a percentage of the premium, and management will follow. He added that he would encourage Council to follow suit.

Mr. Biernacki stated the City is proposing the employees' cost would be 10% of the insurance premium for single coverage, 15% for single plus one dependent, and 20% for family coverage. He added if the City doesn't change this fundamental method, the gap will grow, and we will not be able to sustain it. Also, employees have to contribute more, not only in premiums, but the deductible cost as well.

Mr. Biernacki said this is the weakest of the three units in terms of negotiating power, and the City must start here with the insurance issue.

Ald. Povlsen inquired if the City could be more generous with the salary increases.

Ald. Baker inquired how the insurance issue affects City Council. Mr. Biernacki replied that currently Council pays \$120 for single coverage and \$240 for family. Ald. Povlsen and Ald. Baker stated that is not correct, the cost to Council is much more. Ald. Povlsen stated he pays \$240 per month.

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Wogen. Motion carried 7-0 on voice vote. The closed session adjourned at 6:50 p.m.



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
October 22, 2007**

The City Council of DeKalb, Illinois, held a closed session on Monday, October 22, 2007 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:42 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Bertrand Simpson, Alderman Kris Povlsen, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Norma Guess, City Attorney; Rudy Espiritu, Assistant City Manager; Joel Maurer, Director of Engineering Services; and Donna Johnson, City Clerk.

LAND ACQUISITION:

Mr. Maurer explained that additional land would be needed for the Fairview Drive bridge improvement project planned for 2008. The needed land has a total appraised value of \$42,500. During discussion it was noted that some of this land is prone to flooding, but the State regulations require that the value be placed on the total piece of property and then divided by the amount needed.

COLLECTIVE BARGAINING:

Mr. Biernacki reviewed information concerning health insurance contributions by employees, costs to the City and proposed variations in the plans to be presented in union negotiations. Discussion followed on the various options.

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Naylor. Motion carried 7-0 on voice vote. The closed session adjourned at 7:00 p.m.

Approved: February 11, 2008
Released: July 9, 2018



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
November 13, 2007**

The City Council of DeKalb, Illinois, held a closed session on Tuesday, November 13, 2007 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:35 p.m. Council members in attendance were: Alderman Kris Povlsen, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller. Mayor Frank Van Buer and Alderman Bertrand Simpson were absent. Ald. Povlsen served as Temporary Chair of the meeting in the absence of the Mayor.

Also present were: Mark Biernacki, City Manager; Norma Guess, City Attorney; Rudy Espiritu, Assistant City Manager; Dawn Didier, Assistant City Attorney; Lanny Russell, Fire Chief, Bill Feithen, Police Chief; and Donna Johnson, City Clerk.

LAND ACQUISITION:

Mr. Biernacki reported that the Illinois Department of Transportation was purchasing the former bank building at the northwest corner of Lincoln Highway and Fourth Street (Routes 38 and 23). IDOT will demolish the building, take a portion of the property to widen the intersection and will sell the remaining property to the City for \$122,500.

Ald. Naylor suggested asking for an environmental report on the property so there would be no surprise problems in the future.

Council concurred in proceeding with the purchase.

IMMINENT LITIGATION:

Mr. Biernacki reviewed negotiations with rural, unincorporated DeKalb County concerning the fire protection fee. They want the first-year fee to be less than they currently pay and then have increases based on the CPI. Ms. Guess noted they are limited to a 5% increase or the CPI, whichever is lower. They claim they pay us more than they can increase the tax levy to cover. The City claims it is costing us more to provide the service than we are getting paid. Mr. Biernacki recommended going to arbitration to settle the matter. The City has other groups to negotiate with so setting a precedent is important.

Council concurred with proceeding, but not to pay an arbitrator more than the highest amount to be received.

PENDING LITIGATION:

Ms. Guess reported on the history of problems from the business known as Club 122 on South First

Street resulting in a big demand on police services. Chief Feithen added that the owner is very cooperative, and the problems are occurring outdoors where he can't control it.

Following discussion, Council concurred that the matter of the Teen Club license renewal should be referred to the Hearing Officer.

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Naylor. Motion carried 6-0-1 on voice vote. The closed session adjourned at 7:10 p.m.



DONNA S. JOHNSON, City Clerk

Approved: February 11, 2008
Released: July 9, 2018

**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
NOVEMBER 26, 2007**

The City Council of DeKalb, Illinois, held a closed session on Monday, November 26, 2007 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:23 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Bertrand Simpson, Alderman Kris Povlsen, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Dawn Didier, Assistant City Attorney; Lanny Russell, Fire Chief, Bill Feithen, Police Chief, Russ Farnum, Community Development Director; Rick Monas, Public Works Director; and Donna Johnson, City Clerk.

PERSONNEL: Mr. Biernacki presented his options to reduce expenses that have and will continue to exceed revenues in the City budget. All of the options include layoffs of existing employees.

Mr. Espiritu reviewed the options as presented to Council. It appears that eight to fourteen layoffs will be needed to balance the budget for the next five years. The City should look at an increase in the property tax rate to 75¢ per \$100 of assessed valuation for the next year rather than the current cap of 60¢. Also, it will take a combination of sales tax increase, property tax increase, these layoffs plus even more lay-offs to be able to hire any new public safety employees or to build the new police station.

Ald. Naylor asked which employees would be laid off. Mr. Biernacki responded that it would not be police, fire or street employees and there would be no gain to the general fund with a water lay-off. The layoffs would be in secretarial, inspectors and management.

Mr. Espiritu noted that gas tax revenue would have to be used for road improvements.

Ald. Naylor state he was not in favor of reducing employees by layoffs; only through attrition. He would rather look for new revenue sources first.

Mayor Van Buer commented that they needed to look at the next 20 years too, and a new police station would be needed.

Ald. Naylor added that DeKalb is not the only community with financial problems; all are delaying new projects.

Chief Feithen remarked there is an advantage to building a new station now. The bond market is good, and the cost of construction will continue to increase.

Ald. Gorski and Ald. Povlsen commented that lay-offs are not good but appeared to be necessary.

Ald. Baker was uncomfortable with a 1/2 % sales tax increase and preferred looking at other budget cuts.

Mr. Biernacki stated he needed Council direction by the December 10th meeting.

Ald. Povlsen and Ald. Naylor said they would need to know where the layoffs would be and what the service impacts would be before deciding on an option.

Mr. Espiritu explained that a property tax rate increase to 75¢ per \$100, no new hires for five years, and no new police station would equal a need for eight layoffs.

Ald. Naylor state he was not happy with layoffs while going ahead with other projects.

Mr. Biernacki reminded Council that the audit showed a \$500,000 deficit for the past year and even more coming in the future.

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Wogen. Motion carried 7-0 on voice vote. The closed session adjourned at 7:00 p.m.

Minutes Approved: February 11, 2008
Released: December 13, 2021



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
DECEMBER 10, 2007**

The City Council of DeKalb, Illinois, held a closed session on Monday, December 10, 2007, in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular meeting of the same day.

The closed session started at 7:35 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Bertrand Simpson, Alderman Kris Povlsen, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Dawn Didier, Assistant City Attorney; Lanny Russell, Fire Chief, Bill Feithen, Police Chief; Russ Farnum, Community Development Director; Rick Monas, Public Works Director; Joel Maurer, Director of Engineering Services; and Donna Johnson, City Clerk.

LAND ACQUISITION: *(Released: March 22, 2021)* Mr. Monas outlined proposals from Ed Kling to purchase a 10-unit hangar, lease land to construct another 10 units and develop an air park at DeKalb Taylor Municipal Airport. He noted that Aero Jet Services is interested in coming to this airport and there are others who are leaving DuPage airport to come to DeKalb. Staff would like approval to proceed with negotiations. Following discussion, there were no objections to proceeding.

Mr. Biernacki reported the owner of 402 East Lincoln Highway is interested in selling the property. Council concurred with getting an appraisal and EPA study since this was a former gas station site.

Mr. Biernacki reported he would send a staff person to talk with Mrs. Ralph Seats about the future of the former Ralph's News Stand building at the southwest corner of 7th street and Lincoln Highway. Council members agreed that it would be best if this building was torn down.

Mr. Biernacki reported on the status of the possible purchase of property downtown to provide walkway paths from Lincoln Highway to the alleyway parallel on the north. 231 and 345 East Lincoln Highway are both buildings owned in a trust of a man who recently died. He suggested asking for a "right of first refusal" to buy the property for a six-month period. Council concurred with proceeding.

COLLECTIVE BARGAINING: Mr. Biernacki reported that negotiations with AFSCME are not going well. Employee contributions for health insurance is a big issue of contention.

Ald. Povlsen said he was willing to go to arbitration and Ald. Baker agreed he was too.

Mr. Biernacki noted there are rumors of picketing, but the management has been negotiating in good faith.

PERSONNEL: Mr. Biernacki stated that it would be necessary to enact certain steps (notice to unions, letters to possible retirees) prior to any action involving lay offs. First, he would need Council direction on the various options that could include raising taxes, lay offs of eight to fourteen employees, proceeding with additional hires of public safety employees and construction of a new police station.

Mayor Van Buer asked each Council member to state his/her preference from the 8 scenario options presented by the City Manager.

Ald. Gorski stated she preferred #3 (14 employee lay offs, no new hires and yes to the new police station construction) as the less painful one.

Ald. Baker stated that he did not support a ½% increase in the sales tax (maybe ¼%), he did want more police officers and the new police station.

Mayor Van Buer suggested looking for more revenue first; then look at more police personnel. He noted that head counts don't always mean more results.

Chief Feithen added that he firmly believed the City needs eight more officers, but not right now. He advised that he would tell the Council if the need became critical. He would like to start with more community service officers.

Ald. Baker then stated he would prefer option #3.

Ald. Povlsen thought public perception would be bad if the City raised taxes and built a new police station at the same time. He leaned toward support of #4 (8 employee layoffs, no new hires, and no new police station), but would support the majority.

Ald. Wogen said he leaned toward option #3, but also agreed with the concerns expressed by Ald. Povlsen.

Ald. Keller said he was inclined to also support option #3.

Ald. Naylor stated that a loss of fourteen employees will have an impact on the City. The Police and Fire employees make up 60% of the total and it did not make sense to balance the budget on the remaining 40% of employees. He favored Option #2 for now (no layoffs, no new hires, and no police station) with option #4 as the second choice. He agreed with the mayor that the City should look for new revenues before adding new hires.

Mr. Espiritu reminded Council that all the option included tax increases. If Council is not willing to do that, even more lay offs would be necessary.

Ald. Naylor commented he was willing to consider tax increases, but not on property taxes. He noted that he would need more information on the impact of lay offs before he could consider support.

Ald. Simpson stated it is apparent that something must be done and option #3 seemed to be the best fit to him.

EXTEND ADJOURNMENT: Mayor Van Buer opened the meeting to the public at 8:55 p.m.

Ald. Gorski moved to extend adjournment past 9:00 p.m. Seconded by Ald. Wogen. Motion carried 7-0 on voice vote. Mayor Van Buer declared the motion passed.

Mayor Van Buer closed the meeting to the public at 8:56 p.m.

Mayor Van Buer commented that it is time to stand up and do what needs to be done.

Mr. Biernacki stated he would be sending six to ten employees letters encouraging retirement. There would be some cost involved in offering an incentive to those eligible for retirement. The voluntary retirements would reduce the number of lay offs needed.

Ald. Naylor said he still needed to look at options including a delay on a new police station.

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Simpson. Motion carried 7-0 on voice vote. The closed session adjourned at 9:12 p.m.

Minutes Approved: February 11, 2008
Partial Release: March 22, 2021 (Land Acquisition)
Full Release: December 13, 2021

DONNA S. JOHNSON, City Clerk





EXECUTIVE-CLOSED SESSION MINUTES INDEX

2008		Recommendation for Release	
		Yes	No
January 14, 2008 (COW) Approved: October 27, 2008	Collective Bargaining Pending Litigation Personnel	Released: July 9, 2018	
January 28, 2008 (COW) Approved: October 27, 2008	Collective Bargaining Pending Litigation Personnel	Released: July 9, 2018	
February 11, 2008 (COW) Approved: October 27, 2008	Collective Bargaining Personnel	Released: July 9, 2018	
February 25, 2008 (COW) Approved: October 27, 2008	Collective Bargaining	X	
March 10, 2008 (COW) Approved: October 27, 2008	Land Acquisition	Released: July 9, 2018	
March 24, 2008 (COW) Approved: October 27, 2008	Collective Bargaining Personnel Sale/Lease of Real Estate Security Procedures	Released: July 9, 2018	
April 14, 2008 (COW) Approved: October 27, 2008	Collective Bargaining Land Acquisition Pending Litigation Personnel Worker's Compensation	Released: July 9, 2018	
April 24, 2008 (Regular) Approved: October 27, 2008	Collective Bargaining Land Acquisition	Released: July 9, 2018	
May 12, 2008 (COW) Approved: October 27, 2008	Collective Bargaining	Released: July 9, 2018	
May 27, 2008 (Regular) Approved: October 27, 2008	Collective Bargaining Land Acquisition	Released: July 9, 2018	
June 9, 2008 (COW) Approved: April 13, 2009	Collective Bargaining Imminent Litigation	Released: July 9, 2018	
June 23, 2008 (COW) Approved: April 13, 2009	Collective Bargaining Personnel Real Estate	Released: July 9, 2018	
July 14, 2008 (Regular) Approved: April 13, 2009	Collective Bargaining Land Acquisition Pending Litigation Personnel	Released: July 9, 2018	
July 28, 2008 (COW) Approved: April 13, 2009	Land Acquisition Official Vacancy Personnel Worker's Compensation	Released: July 9, 2018	



EXECUTIVE-CLOSED SESSION MINUTES INDEX

2008		Recommendation for Release	
		Yes	No
August 11, 2008 (COW) Approved: April 13, 2009	Official Vacancy Pending Litigation	Released: July 9, 2018	
August 14, 2008 (Special) Approved: April 13, 2009	Collective Bargaining	Released: July 9, 2018	
	Personnel	Released: March 22, 2021	
	Purchase, Lease or Sale of Real Property	Released: July 9, 2018	
August 25, 2008 (COW) Approved: April 13, 2009	Collective Bargaining	Released: July 9, 2018	
September 8, 2008 (Regular) Approved: April 13, 2009	Collective Bargaining Personnel Sale or Lease of Real Estate	Released: July 9, 2018	
September 22, 2008 (Regular) Approved: April 13, 2009	Collective Bargaining Land Acquisition Personnel Worker's Compensation	Released: July 9, 2018	
October 13, 2008 (Regular) Approved: April 13, 2009	Collective Bargaining Imminent Litigation Land Acquisition	Released: July 9, 2018	
October 27, 2008 (Regular) Approved: April 13, 2009	Collective Bargaining	Released: July 9, 2018	
	Pending Litigation	X	
November 10, 2008 (COW) Approved: April 13, 2009	Collective Bargaining Land Acquisition	Released: July 9, 2018	
November 24, 2008 (COW) Approved: April 13, 2009	Pending Litigation	Released: July 9, 2018	
December 8, 2008 (COW) Approved: April 13, 2009	Pending Litigation Personnel Worker's Compensation	Released: July 9, 2018	
December 17, 2008 (Special) Approved: April 13, 2009	Collective Bargaining	X	

Audio recordings of the 2008 Executive Session meetings destroyed August 9, 2019, as per Resolution 2019-110.

**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
January 14, 2008**

The City Council of DeKalb, Illinois, held a closed session on Monday, January 14, 2008 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:26 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Bertrand Simpson, Alderman Kris Povlsen, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, and Alderman Brent Keller. Alderman David Baker was absent,

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Lanny Russell, Fire Chief, Bill Feithen, Police Chief; Russ Farnum, Community Development Director; Rick Monas, Public Works Director; Joel Maurer, Director of Engineering Services; and Donna Johnson, City Clerk.

PERSONNEL:

Mr. Biernacki reported on his announcement concerning the possibility of lay-offs and the retirement offers made to eligible employees.

In response to questions, Ms. Guess noted that unemployment may last for 26 weeks with a maximum amount to be paid each week of \$367.00. This would come from the City's self insurance fund.

Ald. Naylor asked for more information on the process and reorganization plan. Which departments and what services would be cut.

COLLECTIVE BARGAINING:

Mr. Espiritu discussed a side letter with the Police which Council concurred with.

Mr. Biernacki reported there is not much activity with negotiations with AFSCME.

PENDING LITIGATION:

Ms. Guess reported on the status of litigation with a former firefighter (Ertle). Discussion followed on the history and current status of this case. A majority of Council agreed with the recommendation to offer a settlement amount of \$150,000.00 and require a formal resignation from the litigant.

Ms. Guess reported on a suit filed against the City by the holder of a taxi service license claiming he has not been treated fairly by police officers.

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Keller. Motion carried 6-0-1 on voice vote. The closed session adjourned at 6:58 p.m.

Approved: October 27, 2008
Released: July 9, 2018



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
January 28, 2008**

The City Council of DeKalb, Illinois, held a closed session on Monday, January 28, 2008 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:20 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Bertrand Simpson, Alderman Kris Povlsen, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Norma Guess, City Attorney; and Donna Johnson, City Clerk.

PENDING LITIGATION:

Ms. Guess reported on the status of a suit filed against the City by the holder of a taxi service license claiming he has not been treated fairly by police officers.

COLLECTIVE BARGAINING:

Mr. Biernacki reported on the status of negotiations with AFSCME. Negotiations will go formal with no ground rules.

PERSONNEL:

Mr. Biernacki expressed concern about some comments repeated to him that he thought may have come from someone repeating something that had been said in closed session.

Mr. Biernacki provided information on the level of staff reductions anticipated with a goal of a reduction of 19 employees through retirement or lay-offs. Following discussion there were no objections to proceeding with the plan.

It was noted that it is time to start the annual job performance review for the City Manager.

Mayor Van Buer recessed the closed session at 6:59 p.m.

Mayor Van Buer reconvened the closed session at 8:00 p.m.

Council continued discussion on the impending lay-offs. Ald. Naylor asked about receiving budget reports on a regular basis.

Ald. Naylor asked for a copy of the current contract with the City Manager.

ADJOURNMENT:

MOTION

Ald. Keller moved to adjourn the closed session; seconded by Ald. Gorski. Motion carried 7-0 on voice vote. The closed session adjourned at 8:25 p.m.

Approved: October 27, 2008
Released: July 9, 2018



The seal of the City of DeKalb, Georgia, is a circular emblem. It features a central shield with a plow and a sheaf of wheat, symbolizing agriculture. The shield is set against a background of a rising sun or star. The words "CITY OF DEKALB" are inscribed in a circle around the top, and "GEORGIA" is at the bottom. The seal is positioned above the signature of the City Clerk.

DONNA S. JOHNSON City Clerk

**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
February 11, 2008**

The City Council of DeKalb, Illinois, held a closed session on February 11, 2008 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 8:06 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Bertrand Simpson, Alderman Kris Povlsen, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor and Alderman David Baker. Absent was: Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Norma Guess, City Attorney; Bill Feithen, Police Chief; Bruce Harrison, Assistant Fire Chief; Rick Monas, Director of Public Works; Joel Maurer, Director of Engineering Services; Russ Farnum, Director of Community Development; and Donna Johnson, City Clerk.

COLLECTIVE BARGAINING:

Mr. Biernacki reported on the status of negotiations with AFSCME. Agreement has been reached on the contract language with the focus now being on wages and insurance costs. The city is focusing on raising the cost of insurance to the employees to cover the gap. Mr. Biernacki noted a possible reorganization of some departments. He also discussed the idea of a one week, no pay furlough to help with the budget concerns

Bruce Harrison, Rick Monas, Joel Maurer and Russ Farnum left the meeting.

Discussion continued of the concerns that may arise if it became necessary to lay-off employees.

Bill Feithen left the meeting.

Mayor Van Buer briefly opened the meeting to the public at 8:59 p.m. for the purpose of extending the adjournment time.

PERSONNEL -PERFORMANCE EVALUATION:

Mr. Biernacki left the meeting.

Council discussed the job performance of the City Manager, Mark Biernacki.

Mr. Biernacki returned to the meeting at 9:47 p.m.

Mayor Van Buer advised Mr. Biernacki that Council was very pleased with his performance. While he may be deserving of a bonus, it was not feasible at this time due to the budget constraints. However, he would be eligible for any cost of living increase approved in the new budget year.

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Simpson. Motion carried 6-0-1 on voice vote. The closed session adjourned at 10:00 p.m.

Approved: October 27, 2008
Released: July 9, 2018



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
FEBRUARY 25, 2008**

The City Council of DeKalb, Illinois, held a closed session on Monday, February 25, 2008, in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:24 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Bertrand Simpson, Alderman Kris Povlsen, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Lanny Russell, Fire Chief; Bill Feithen, Police Chief; Russ Farnum, Community Development Director; Joel Maurer, Director of Engineering Services; and Donna Johnson, City Clerk.

COLLECTIVE BARGAINING: Mr. Biernacki reported on the status of negotiations with AFSCME.

Mr. Biernacki reported on the status of plans to reduce the number of employees through retirement and lay-offs. He also suggested a furlough program for AFSCME and administration employees; an attrition program for non-strategic employees; and listed some cost savings items, both big and small. He outlined possible tax increases and noted if all things were done, no lay-offs would be necessary. Ordinances for tax increases would have to be done by April 1st to have revenue starting in July. AFSCME would have to agree in a side letter to the contract to have furlough days without pay to avoid lay-offs.

Discussion followed on public concern and input into tax increases.

ADJOURNMENT:

MOTION

Ald. Keller moved to adjourn the closed session; seconded by Ald. Gorski. Motion carried 7-0 on voice vote. The closed session adjourned at 8:25 p.m.

Minutes Approved: October 27, 2008
Released: December 13, 2021



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
March 10, 2008**

The City Council of DeKalb, Illinois, held a closed session on Monday, March 10, 2008 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:30 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Bertrand Simpson, Alderman Kris Povlsen, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Lanny Russell, Fire Chief; Bill Feithen, Police Chief; Russ Farnum, Community Development Director; Joel Maurer, Director of Engineering Services; Sue Guio, Community Services Planner; and Donna Johnson, City Clerk.

LAND ACQUISITION:

Mr. Biernacki reported on the appraisal of the property at the southwest corner of Lincoln Highway and Seventh Street (formerly Ralph's Newsstand). The appraisal value is \$82,000 and he noted the property would be worth more with out the building. Discussion followed on the poor condition of the building and the possible future use of the property. Mr. Biernacki commented it would be best to have this along with the municipal lot and the chicken restaurant for a redevelopment project; but it would be worthwhile just to have this building removed. Council concurred with proceeding with the purchase.

Mr. Biernacki reported on the status of the possible buy-out of flooded homes in the City. The City applied for a \$1.8 million FEMA grant with the City responsible for 25% of the cost, probably from Community Development Block Grant funds. The entire amount is not likely to be approved. Council discussed options of buying-out properties that are located in close proximity or the ones that have the worst problems, even if scattered out in various locations. The concern is the future use of the properties and maintenance responsibilities. Discussion will continue at a later date if grant approval is received.

COLLECTIVE BARGAINING AND SECURITY PROCEDURES:

No report on collective bargaining. Discussion on security procedures was delayed till a later date.

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Wogen. Motion carried 7-0 on voice vote. The closed session adjourned at 6:59 p.m.

Approved: October 27, 2008
Released: July 9, 2018



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
March 24, 2008**

The City Council of DeKalb, Illinois, held a closed session on Monday, March 24, 2008 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:50 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Bertrand Simpson, Alderman Kris Povlsen, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, and Alderman Brent Keller. Alderman David Baker was absent.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Bill Feithen, Police Chief; Russ Farnum, Community Development Director; and Donna Johnson, City Clerk.

SALE/LEASE OF REAL ESTATE:

Mr. Biernacki reported on an opportunity to acquire property to locate the Municipal Building administration north of the railroad tracks. He referred to the former bank building on the northwest corner of Lincoln Highway and Fourth Street plus other buildings to the north and west of that one. Ald. Gorski did not feel the City was in the position to make that move now. Ald. Povlsen felt the current location is part of the downtown where it is now. Ald. Naylor remarked that while this is the first he had heard of this idea, he was not in favor of the bank site and would like to look at other options. Following discussion, Council did concur with getting appraisals of the properties.

Mayor Van Buer recessed the closed session at 7:00 p.m.

Mayor Van Buer reconvened the closed session at 9:00 p.m.

COLLECTIVE BARGAINING:

Mr. Espiritu reported on the status of negotiations with AFSCME noting that the main item of disagreement was the amount of health insurance premium cost to employees.

PERSONNEL:

Ms. Guess discussed a concern about unpaid furlough days for administration employees. The Fair Labor Standard Act states that when salary employees have to take furlough days, they become hourly employees that would be subject to over-time pay if called in for an emergency matter. Mr. Biernacki noted that other options may be to have less of a COLA or step increase. Mayor Van Buer

stated he was not happy with furlough days and asked for more information on another way.

SECURITY PROCEDURES:

Council members concurred they were comfortable with security for them during Council meetings. It was noted that the metal detector used on days when court was held in this building were at the request of the judge.

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Naylor. Motion carried 6-0-1 on voice vote. The closed session adjourned at 9:34 p.m.

Approved: October 27, 2008
Released: July 9, 2018



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
April 14, 2008**

The City Council of DeKalb, Illinois, held a closed session on Monday, April 14, 2008 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:50 p.m. Council members in attendance were: Alderman Bertrand Simpson, Alderman Kris Povlsen, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller. Mayor Frank Van Buer was absent. Alderman Baker chaired the session by motion passed at the Committee of the Whole meeting.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Bill Feithen, Police Chief; Dawn Didier, Assistant City Attorney; and Donna Johnson, City Clerk.

LAND ACQUISITION:

Mr. Biernacki reported on the appraisal received on the building located west of the former bank building on the northwest corner of Lincoln Highway and Fourth Street. The appraisal amount is \$190,000 and the owner is willing to sell. Council concurred with proceeding.

WORKER'S COMPENSATION:

Ms. Didier reported on the status of a worker's compensation claim involving a police officer with a hand injury. The maximum amount needed to settle was \$44,000. Council concurred with proceeding and comments of frustration with the laws regarding these claims were expressed.

PENDING LITIGATION:

Ms. Guess reported that the City prevailed in the law suit filed by the owner of a Taxi Service. The litigant's behavior in the court room, especially in calling the judge unacceptable names, was so bad that he faces 6 months of incarceration and felony charges.

The closed session recessed at 7:00 p.m. and reconvened at 10:17 p.m.

COLLECTIVE BARGAINING:

Chief Feithen reported that the DeKalb Police Officers, Lodge 115, have asked for approval to wear dark blue shirts instead of light blue and officers are willing to pay for the shirts themselves. Council

concurred with proceeding with approval of the request.

Mr. Biernacki discussed the health insurance costs and the effect on the budget in connection with the current negotiations with AFSCME.

PERSONNEL:

Mr. Biernacki reported a method of having furlough days for administration employees was determined that should not result in problems under the Fair Labor Standards. While the employees would need to take off 5 days without pay, the amount would be spread out over the payroll for the entire year. A deduction of 1.8% would be made in each of the 26 pay periods but it would not reduce the base pay level. He noted that the AFSCME union may ask to use the same method.

Mr. Biernacki asked for Council consideration of a cost of living increase of 3.73% for administration employees. Ald. Povlsen and Baker were opposed to any COLA increase this year. Ald. Naylor, Wogen, Simpson and Keller agreed that the City's financial troubles should not fall on the back of only the administration employees. A majority of Council concurred with providing the 3.73% COLA.

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Wogen. Motion carried 7-0 on voice vote. The closed session adjourned at 11:02 p.m.

Approved: October 27, 2008
Released: July 9, 2018



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
April 24, 2008**

The City Council of DeKalb, Illinois, held a closed session on Monday, April 24, 2008 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular meeting of the same day.

The closed session started at 8:15 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Bertrand Simpson, Alderman Kris Povlsen, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Lanson Russell, Fire Chief; Joel Maurer, Director of Engineering Services; and Donna Johnson, City Clerk.

COLLECTIVE BARGAINING:

Mr. Espiritu reported on the status of negotiations with AFSCME union. Discussion followed on the percentage increase in pay, cost of insurance premiums to current employees and new hires, furlough days without pay, and whether new hires would have step increases.

Mr. Biernacki and Ms. Guess reported on a question from the Firefighters' union as to whether a hiring freeze is subject to union negotiations or is a management right.

Mayor Van Buer opened the meeting to the public at 8:58 p.m. for the purpose of extending the adjournment time. Mayor Van Buer closed the meeting to the public.

Ald. Naylor noted that he would like more information at budget time on the staffing needs and operations of the Fire Department.

A majority of Council concurred that the hiring freeze should continue as a management right.

LAND ACQUISITION:

Mr. Biernacki reported the former Pumfrey property at the northeast corner of North 7th and Oak Streets had been sold to another party who intended to rebuild it as a gas station site.

Mr. Biernacki reported on a request from a property owner(Elliott) of a 3 lot subdivision of 17 acres at Peace and Lincoln Highway. Mr. Elliot has a problem with access to his property and he wants the City to use eminent domain to condemn so he can gain access. He is willing to pay the costs involved.

Chief Russell and Mr. Maurer left the meeting at 9:16 p.m.

Mr. Biernacki explained a proposal from the DeKalb Public Library to build a new main facility where the DeKalb Clinic (Franklin Street, between 2nd and 3rd Streets) is currently located. The Library is also interested in acquiring the City owned buildings located on the west side of 4th Street if the City is willing to negotiate for any changes. Ald. Simpson, Naylor, Gorski and Wogen concurred with proceeding to discuss possible changes to accommodate the Library plans.

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Keller. Motion carried 7-0 on voice vote. The closed session adjourned at 9:28 p.m.

Approved: October 27, 2008
Released: July 9, 2018



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
May 12, 2008**

The City Council of DeKalb, Illinois, held a closed session on Monday, May 12, 2008 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:48 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Bertrand Simpson, Alderman Kris Povlsen, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; and Donna Johnson, City Clerk.

COLLECTIVE BARGAINING:

Mr. Espiritu reported on the status of negotiations with AFSCME union. Management and the union have come to an agreement concerning percentage of salary increase but have not agreed on whether insurance premiums should be based on base salary before or after furlough deductions and whether new hires should pay a higher rate on insurance premiums than current employees.

Ald. Povlsen stated he intended to vote "no" on the contract and would publicly state so because he does not approve of step increase along with COLA.

Ald. Naylor asked for more information as to the insurance premium levels for Police and Fire unions.

Council concurred with basing the insurance premium on the base salary after a furlough deduction for one year.

Land Acquisition, and Worker's Compensation were not discussed.

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Wogen. Motion carried 7-0 on voice vote. The closed session adjourned at 7:05 p.m.

Approved: October 27, 2008
Released: July 9, 2018



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
May 27, 2008**

The City Council of DeKalb, Illinois, held a closed session on Monday, May 27, 2008 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular meeting of the same day.

The closed session started at 8:22 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Bertrand Simpson, Alderman Kris Povlsen, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Bill Feithen, Police Chief; Bruce Harrison, Assistant Fire Chief; Russ Farnum, Community Development Director; Joel Maurer, Director of Engineering Services; Rick Monas, Public Works Director; Tom Cleveland, ADPW/Airport Manager; Sue Guio, Community Services Planner; and Donna Johnson, City Clerk.

LAND ACQUISITION:

Discussion took place concerning the possible purchase of property at 807 David Avenue that has been subject to repeated flooding. Ald. Naylor noted that the Storm Water Task Force is close to making a recommendation on a buy-out program for properties that flood. Ms. Guio noted that this property is currently vacant so there would be no cost for relocation expenses. Ald. Povlsen what could be done to benefit more than one person with the money it would take to buy this property. Discussion followed on the potential total amount of CDBG funds that could be used for a buy-out program.

Mr. Biernacki reported to Council on the possibility of purchasing the former Ralph's News Stand property at the Southwest corner of 7th Street and Lincoln Highway. He also reported on the appraisal price and source of funding to purchase the Hudgins property for the DeKalb Taylor Municipal Airport.

Tom Cleveland and Sue Guio left the meeting at 8:50 p.m.

COLLECTIVE BARGAINING:

Mr. Biernacki and Ms. Guess explained the reasons they did not feel it would be appropriate to have the members of the Finance Advisory Committee be included in discussions concerning collective bargaining.

At 8:58 p.m., Mayor Van Buer briefly opened the meeting to the public for the purpose of extending adjournment time.

Mr. Espiritu reported on the status of negotiations with AFSCME union. Council was in agreement with the union on the level of COLA increase, but not with changes in the health insurance premium.

ADJOURNMENT:

MOTION

Ald. Keller moved to adjourn the closed session; seconded by Ald. Gorski. Motion carried 7-0 on voice vote. The closed session adjourned at 9:29 p.m.

Approved: October 27, 2008
Released: July 9, 2018



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
June 9, 2008**

The City Council of DeKalb, Illinois, held a closed session on June 9, 2008 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:43 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Bertrand Simpson, Alderman Kris Povlsen, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; and Donna Johnson, City Clerk.

COLLECTIVE BARGAINING:

Mr. Espiritu reported on the status of negotiations with AFSCME union. Health insurance premium costs for employees was the topic of focus at this time.

Ald. Gorski moved to recess the closed session; seconded by Ald. Wogen. Motion carried 7-0 on voice vote. Mayor Van Buer recessed the closed session at 7:05 p.m.

Mayor Van Buer reconvened the closed session at 8:46 p.m.

IMMINENT LITIGATION:

Mr. Biernacki reported on a controversy between Elliott & Wood and Billy Lovett concerning Lovett denying access through his property to Elliott & Wood. The City has been asked about the possibility of using imminent domain proceedings. Council discussed and concurred that the parties should be encouraged to continue negotiating for a settlement between themselves.

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Keller. Motion carried 7-0 on voice vote. The closed session adjourned at 8:51 p.m.

Approved: April 13, 2009
Released: July 9, 2018



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
June 23, 2008**

The City Council of DeKalb, Illinois, held a closed session on June 23, 2008 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:47 p.m. Council members in attendance were: Mayor Frank Van Buer, Alderman Bertrand Simpson, Alderman Kris Povlsen, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Lanny Russell, Fire Chief; Bill Feithen, Police Chief; Russ Farnum, Community Development Director; and Donna Johnson, City Clerk.

COLLECTIVE BARGAINING:

Mr. Espiritu reported that the AFSCME union had been advised that Council did not accept its latest offer, but not enough time had lapsed to receive a reply.

Ald. Naylor moved to recess the closed session; seconded by Ald. Gorski. Motion carried 7-0 on voice vote. Mayor Van Buer recessed the closed session at 7:00 p.m.

Mayor Van Buer reconvened the closed session at 9:18 p.m.

Discussion continued on reorganization changes in staffing. Council concurred with changing two secretarial positions in Fire and Police to Administrative Assistants, but not in changing the Special Projects Coordinator to an Assistant to City Manager position. Four Aldermen agreed with retaining the contractual code enforcement position for a while longer.

PERSONNEL:

Discussion took place concerning the changes in Community Development staff following the recent retirements encouraged in lieu of lay-offs.

REAL ESTATE:

Mr. Biernacki reported that the Public Library is looking at the possibility of building a new facility on the property where the DeKalb Clinic is currently located. The City was approached about the idea of selling the three buildings on the west side of Fourth Street for use in the new Library complex. This would involve relocating the City facilities housed in two buildings to the main building after a new Police Department building is completed, but it would be necessary to find a

new location for the senior center functions. It was noted that the City would need to bond for the Library, even though it pays its own way.

ADJOURNMENT:

MOTION

Ald. Simpson moved to adjourn the closed session; seconded by Ald. Gorski. Motion carried 7-0 on voice vote. The closed session adjourned at 9:46 p.m.

Approved: April 13, 2009
Released: July 9, 2018



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
July 14, 2008**

The City Council of DeKalb, Illinois, held a closed session on July 14, 2008 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular meeting of the same day.

The closed session started at 8:30 p.m. Council members in attendance were: Alderman Bertrand Simpson, Alderman Kris Povlsen, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller. Mayor Frank Van Buer was absent. Ald. Povlsen served as Temporary Chair.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Dawn Didier, Assistant City Attorney; Lanny Russell, Fire Chief; Russ Farnum, Community Development Director; Rick Monas, Public Works Director; Sue Guio, Community Services Planner; and Donna Johnson, City Clerk.

LAND ACQUISITION:

Information was provided on the possibility of using Community Development Block Grant funds to purchase prone to continual flooding. Ald. Naylor was supportive of spending the funds to fix this problem once and for all. He suggested Council consider this option and discuss it again in two weeks.

Mr. Farnum and Ms. Guio left the meeting at 8:51 p.m.

Mr. Biernacki explained that a sliver of land next to the former DeKalb Feeds property on North 7th Street would be sold under a tax sale bid process. Council agreed to a bid offer of \$1,001.00 for the land as an addition to the property already owned by the City.

Temporary Chair Povlsen opened the meeting to the public for the purpose of extending adjournment time. Temporary Chair Povlsen closed the meeting to the public at 8:59 p.m.

PENDING LITIGATION:

Ms. Didier and Mr. Monas reported the status of a case concerning sanitary and storm sewer damage at the corner of East Lincoln Highway and Evans Avenue.

COLLECTIVE BARGAINING:

Mr. Biernacki and Mr. Espiritu reported on the status of negotiations with AFSCME union. Four aldermen expressed support to hold firm in the matter of having employees pay 20% on the health

insurance premium.

PERSONNEL:

Discussion took place concerning the delay in finalizing the administration employees wage ordinance and the effect on Fire Chief Russell's pension following his retirement. Mr. Biernacki noted that a delay in filling the position when it becomes vacant will save funds for the City. Council concurred in having the City Manager proceed with a cost of living increase for the Fire Chief immediately.

ADJOURNMENT:

MOTION

Ald. Naylor moved to adjourn the closed session; seconded by Ald. Gorski. Motion carried 7-0 on voice vote. The closed session adjourned at 10:00 p.m.



Approved: April 13, 2009
Released: July 9, 2018

**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
July 28, 2008**

The City Council of DeKalb, Illinois, held a closed session on July 28, 2008 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:46 p.m. Council members in attendance were: Alderman Bertrand Simpson, Alderman Kris Povlsen, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller. Ald. Povlsen served as Temporary Chair. Mayor Frank Van Buer passed away on July 23, 2008.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Dawn Didier, Assistant City Attorney; Russ Farnum, Community Development Director; Sue Guio, Community Services Planner; and Donna Johnson, City Clerk.

LAND ACQUISITION:

Mr. Biernacki provided information on funding option for the buy-out of flooding residential property. Ald. Naylor added that he had talked with the Storm Water Committee and perhaps the list of properties could be referred to the committee for prioritizing. Council concurred.

Mr. Farnum and Ms. Guio left the meeting at 6:54 p.m.

Mr. Biernacki explained that a sliver of land next to the former DeKalb Feeds property on North 7th Street would be sold under a tax sale bid process. Council agreed to a bid offer of \$1,001.00 for the land as an addition to the property already owned by the City.

Temporary Chair Povlsen opened the meeting to the public for the purpose of extending adjournment time. Temporary Chair Povlsen closed the meeting to the public at 8:59 p.m.

WORKER'S COMPENSATION:

Ms. Didier reported on the status of three cases filed by Paul Campbell, Firefighter. Council concurred with a settlement offer.

Ms. Didier left the meeting at 7:03 p.m.

PERSONNEL:

Mr. Biernacki reported on the circumstances of an employee in the Code Enforcement submitting a letter of resignation.

The meeting recessed at 7:07 p.m. and reconvened at 9:14 p.m.

Discussion took place concerning the status of the person contracted with on a temporary basis to review and prepare a rental property inspection program.

Mr. Biernacki and Mr. Espiritu left the meeting at 9:27 p.m.

OFFICIAL VACANCY:

Discussion took place regarding the appointment of an alderman to serve as Acting Mayor due to the passing of Mayor Frank Van Buer.

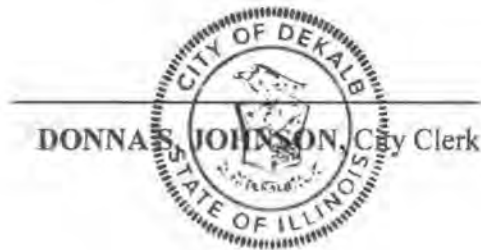
Council agreed to continue discussion at a subsequent closed session.

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Keller. Motion carried 7-0 on voice vote. The closed session adjourned at 10:30 p.m.

Approved: April 13, 2009
Released: July 9, 2018



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
August 11, 2008**

The City Council of DeKalb, Illinois, held a closed session on August 11, 2008 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 7:00 p.m. Council members in attendance were: Alderman Bertrand Simpson, Alderman Kris Povlsen, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, and Alderman Brent Keller. Alderman David Baker was absent. Ald. Naylor served as Temporary Chair.

Also present were: Norma Guess, City Attorney; and Donna Johnson, City Clerk.

OFFICIAL VACANCY:

Discussion took place regarding the appointment of an alderman to serve as Acting Mayor due to the passing of Mayor Frank Van Buer.

Ald. Keller moved to recess the closed session; seconded by Ald. Wogen. Motion carried 7-0 on voice vote. Temporary Chair Naylor declared the motion passed at 7:34 p.m.

The closed session reconvened at 8:31 p.m.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Russ Farnum, Community Development Director; and Donna Johnson, City Clerk.

PENDING LITIGATION:

Ms. Guess reported on a law suit filed by Boyce Besinger, Jeff Hunt and William McNew regarding a rezoning issue Mr. Farnum reviewed the past process with them from 2006, noting they had not completed the application process.

Mr. Farnum left the meeting at 8:42 p.m.

Ms. Guess reported on the status of an EEOC complaint by Police Officer Jeff Winters.

Acting Mayor Povlsen briefly opened the meeting to the public at 8:57 p.m. for the purpose of extending the adjournment time.

Mr. Biernacki noted that there were more items that needed to be discussed, but were not listed on

the agenda. Council agreed with calling a special meeting on August 14th in order to hold a closed session.

ADJOURNMENT:

MOTION

Ald. Wogen moved to adjourn the closed session; seconded by Ald. Simpson. Motion carried 6-0-1 on voice vote. The closed session adjourned at 9:05 p.m.

Approved: April 13, 2009
Released: July 9, 2018



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
AUGUST 14, 2008**

The City Council of DeKalb, Illinois, held a closed session on Thursday, August 14, 2008, in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Special meeting on August 14, 2008.

The closed session started at 6:03 p.m. Deputy Clerk Wright called the roll and the following Council members in attendance were: Acting Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Victor Wogen, Alderman Donna Gorski, and Alderman Brent Keller. Absent were: Alderman Ronald Naylor and Alderman David Baker.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Bill Feithen, Police Chief; and Diane Wright, Deputy City Clerk.

PERSONNEL (Released: March 22, 2021)

Chief Feithen informed Council that an off-duty officer who recently completed probation was involved in an accident. When members of the DeKalb Police Department arrived at the scene, it appeared the off-duty officer was inebriated. They transported him to Aurora for testing. The off-duty officer did not pass the field sobriety test and refused the breathalyzer test. A hearing will be held at which time it could be determined he could lose his license for six months. He could ask for a judicial driving permit.

Discussion followed regarding suspension, grievance procedure, summary judgment hearing, and judicial driving permits.

COLLECTIVE BARGAINING (Released: July 9, 2018)

Mr. Biernacki informed Council there is a mediation hearing scheduled August 22 with the AFSCME Union. Mr. Biernacki also advised that the President of the local union came to Mr. Espiritu about a possible compromise on the 20% insurance premium payment issue. Mr. Espiritu advised him he couldn't discuss this unless Mr. Taylor has a waiver, but Mr. Taylor continued the conversation. He said preliminarily the Union would agree to 20% in Year Four. Their proposal is 15% Year One; 16 ½% Year Two; 18% Year Three. The City's proposal is 15% Year One; 15% Year Two; 20% Year Three.

Discussion followed regarding a four year versus a three-year contract.

PURCHASE, LEASE OR SALE OF REAL PROPERTY (Released: July 9, 2018)

Mr. Biernacki advised the City has received a proposal from The Filling Station Restaurant in St. Charles to purchase the entire parcel at 1st and Locust. Staff has been attempting to determine what price to put on this property and suggested to Council \$75,000. The City would recoup its present cash outlay on the parcel with sales tax revenue from the restaurant. However, Mr. Biernacki asked Council if this is what they envision for this corner property, and should the City take an offer from this company or wait. He asked Council for direction on their input on going ahead with this type of venture, setting a price, and possibly adding conditions.

Mr. Espiritu stated this would be using TIF money to help the General Fund; this is not in the sales tax TIF

area. Attorney Guess stated before it can be sold it must be advertised for bids, and the City may receive another proposal. Discussion followed regarding this restaurant and Council agreed to move this to the next level.

Mr. Biernacki next discussed potential move of the library to the property now occupied by the DeKalb Clinic and the sale of the City-owned parcel. Proceeds of the sale can be applied to the new Police Station. The library would move once the new Police Station is built, he said. Community Development would then move downstairs in the Municipal Building where the Police Station is currently located. He asked Council if they wished this to be made public. Ald. Simpson and Ald. Wogen were in favor of telling the public.

Mr. Biernacki stated TIF prohibits using money to finance municipal buildings, but the library is not one of them. It's possible, he said, to have enough TIF money to pay for up to one-half of the library building. The Board of the Library is convinced they can raise one-half of the cost of the building. The other option would be to build a Library outside of the Downtown area, he said. There is a developer who has a bid in to purchase the property, he said. If the Library buys the property from the City, he said, we reimburse the Library with TIF funds at a \$1 million cap.

Acting Mayor Povlsen asked if this is the best economic time to build something we "want" as opposed to something we "need." Mr. Espiritu stated the Library Board believes they are out of space; they should be at 60,000 square feet, and they are at 20,000 square feet. They receive 20,000 visitors each month and could also open a satellite Library.

Ald. Wogen stated he didn't want to see the library on the outskirts of town. Ald. Simpson said their replacements on the Council will ask why they waited to build it; it is a bold move, and why not be creative. Ald. Gorski said there will be less people saying there is a need for this than for the Police Station.

Acting Mayor Povlsen stated Council needs to look more closely at what we are losing in terms of revenue, and there is something attractive about adding to the community and not raising taxes. Ald. Simpson said there is also something attractive about donors investing in this project. Mr. Biernacki said he will sit down with the Library Board, but first we should have the Finance Committee look into this. Acting Mayor Povlsen stated a list should be made of what we may not be able to do financially because of this. Mr. Biernacki responded this opportunity will never arise again, and you have the money to do a lot of these things.

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Wogen. Motion carried 5-0-2 on voice vote. The closed session adjourned at 7:10 p.m.

DIANE WRIGHT
Deputy City Clerk



Approved: April 13, 2009
Partial Release: July 9, 2018
Full Release: March 22, 2021

**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
August 25, 2008**

The City Council of DeKalb, Illinois, held a closed session on August 25, 2008 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:43 p.m. Council members in attendance were: Acting Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; and Donna Johnson, City Clerk.

COLLECTIVE BARGAINING:

Mr. Espiritu reported on the status of negotiations with AFSCME union. Council concurred with an offer of an average 4% cost of living increase per year with employees taking a five day furlough that results in an average of 3.36% and employees contributing 15% in year 2009 and 20% in year 2010 to the cost of health insurance premium. All but Ald. Baker concurred with reducing the retirement age from 60 to 55 starting July 1, 2009.

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Keller. Motion carried 7-0 on voice vote. The closed session adjourned at 6:57 p.m.

Approved: April 13, 2009
Released: July 9, 2018



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
September 8, 2008**

The City Council of DeKalb, Illinois, held a closed session on September 8, 2008 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular meeting of the same day.

The closed session started at 10:46 p.m. Council members in attendance were: Acting Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Norma Guess, City Attorney; Bill Feithen Police Chief; and Donna Johnson, City Clerk.

COLLECTIVE BARGAINING:

Mr. Biernacki reported it is time to start negotiations with the Police Union. Chief Feithen noted they would start with informal negotiations. Discussion followed on various information as part of the process.

Chief Feithen left the meeting at 11:05 p.m.

SALE OR LEASE OF REAL ESTATE:

Ms. Guess reported on the status on a proposed agreement with Elliott & Wood in which they wish to lease and/or purchase property located east of the east terminus of Taylor Street. The property is in the TIF district so a request for proposals was done. Elliott & Wood was the only bid received. She explained the terms of the agreement and Council concurred with proceeding.

PERSONNEL:

Mr. Biernacki reported that Community Development Director Russ Farnum had resigned to take another position in another City. He reviewed the need to continue the department function until the vacancy could be filled. Council concurred with filling the vacancy. Mr. Biernacki stated he would like to hire an outside planning firm to assist part-time and Rick Monas would take over the day to day administration tasks.

ADJOURNMENT:

MOTION

Ald. Wogen moved to adjourn the closed session; seconded by Ald. Gorski. Motion carried 7-0 on voice vote. The closed session adjourned at 11:26 p.m.



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
September 22, 2008**

The City Council of DeKalb, Illinois, held a closed session on September 22, 2008 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular meeting of the same day.

The closed session started at 8:45 p.m. Council members in attendance were: Acting Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Dawn Didier, Assistant City Attorney; William Feithen, Police Chief; Rick Monas, Director of Public Works; Tom Cleveland, Assistant Director Public Works – Airport Manager; and Donna Johnson, City Clerk.

LAND ACQUISITION:

Mr. Monas provided information about the possible acquisition of the Luketich property for the DeKalb Taylor Municipal Airport. There is \$393,580 available in grant funds; the appraisal for this property is \$245,000; and relocation costs would be a little more. This is a willing seller. Following discussion, Council concurred with proceeding with the purchase.

Mr. Monas and Mr. Cleveland left the meeting at 8:50 p.m.

WORKER'S COMPENSATION:

Ms. Didier reported on a case involving a Police Officer who dislocated a shoulder on duty. The law provides for a settlement amount even though he has returned to work with no restrictions. Council reluctantly concurred with making a settlement offer.

Acting Mayor Povlsen briefly opened the meeting to the public at 8:55 p.m. for the purpose of extending the adjournment time.

PERSONNEL:

Mr. Biernacki reported to Council on his proposal for health insurance premiums to be paid by administration employees. Council concurred with having the proposal presented in ordinance form.

Ms. Johnson presented a proposal for the salary and benefits for the next term of City Clerk. Council concurred with having the proposal presented in ordinance form.

COLLECTIVE BARGAINING:

Mr. Biernacki reported on the status of negotiations with the Police Union. Chief Feithen reviewed the offer from FOP. Discussion followed.

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Wogen. Motion carried 7-0 on voice vote. The closed session adjourned at 9:45 p.m.

Approved: April 13, 2009
Released: July 9, 2018



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
October 13, 2008**

The City Council of DeKalb, Illinois, held a closed session on October 13, 2008 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular meeting of the same day.

The closed session started at 10:15 p.m. Council members in attendance were: Acting Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; William Feithen, Police Chief; Rick Monas, Director of Public Works; and Donna Johnson, City Clerk.

IMMINENT LITIGATION:

Mr. Monas informed Council of a matter concerning Darren Ryan and Midwest Tree Service. Mr. Ryan has stated his intent to litigate to collect fees for services provided to the City in the past year. He claimed he had not been paid for \$20-25,000 of work he had done. Mr. Monas advised that the City had paid Midwest for the service, who in turn should have paid Mr. Ryan as a subcontractor. If there was a problem, it was on the part of Midwest, not the City.

Mr. Monas left the meeting at 10:25 p.m.

Mr. Biernacki stated that he was hopeful about having an agreement reached with Northern Illinois University so that NIU would not litigate in regard to the City's proposed water surcharge.

COLLECTIVE BARGAINING:

Mr. Biernacki reported on the status of negotiations with the Police Union. Discussion followed on the terms of a possible agreement.

Ald. Teresinski said he would like to see the cost of the total package to compare with the City's revenue stream.

Council concurred with a City offer to be set at the revenue stream level and there were no objections to going to arbitration, if necessary.

Chief Feithen left the meeting at 11:03 p.m.

LAND ACQUISITION:

Mr. Biernacki asked if there was interest in the City purchasing the DeKalb Clinic property. The price has gone down and it might sell for \$800-900,000. He also noted that a private developer has made an offer for all of the Clinic property. Following discussion, one alderman said no, one was undecided, one wanted to offer \$500,000 and four were willing to approve the purchase.

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Naylor. Motion carried 7-0 on voice vote. The closed session adjourned at 11:21 p.m.



Approved: April 13, 2009
Released: July 9, 2018

**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
OCTOBER 27, 2008**

The City Council of DeKalb, Illinois, held a closed session on October 27, 2008, in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular meeting of the same day.

The closed session started at 9:45 p.m. Council members in attendance were: Acting Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; William Feithen, Police Chief; and Donna Johnson, City Clerk.

PENDING LITIGATION: Ms. Guess reported on the status of litigation by former Firefighter Ertle. This has been a very long on-going case and now demands are being made on the Fire Pension Fund. She suggested a settlement amount offer to have this case completed and Council had no objections.

Chief Feithen informed Council of a Kane County case involving a DeKalb Police officer being charged with driving under the influence.

COLLECTIVE BARGAINING: *(Released: July 9, 2018)* Mr. Espiritu provided information about the total cost of a package offer that could be made to the Police Union. Information about the Police Union offer had just been received that day.

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Naylor. Motion carried 7-0 on voice vote. The closed session adjourned at 10:27 p.m.

DONNA S. JOHNSON, City Clerk

Minutes Approved: April 13, 2009
Partial Release: July 9, 2018 (Collective Bargaining)
Full Release: December 13, 2021



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
November 10, 2008**

The City Council of DeKalb, Illinois, held a closed session on November 10, 2008 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:54 p.m. Council members in attendance were: Acting Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Dawn Didier, Assistant City Attorney; William Feithen, Police Chief; and Donna Johnson, City Clerk.

COLLECTIVE BARGAINING:

Mr. Biernacki informed Council that negotiations with the Police Union had stalled in the informal process and now would go to formal negotiations. He recommended hiring a consultant who has expertise in labor matters. Council had no objections and Ald. Baker thought this should be done with all labor negotiations.

LAND ACQUISITION:

Mr. Biernacki reported on the recommendation from the Storm Water Task Committee that two homes on Colby Court and one on Taylor Street be purchased based on the benefit to cost ratio. 814 Taylor, 829 Colby and 901 Colby are the homes with the highest damages due to flooding in the area.

Ald. Naylor expressed the need to set aside funding for future purchases so that others in this situation would realize that eventually their properties would be included in the program.

Council concurred with proceeding with the purchases.

ADJOURNMENT:

MOTION

Ald. Keller moved to adjourn the closed session; seconded by Ald. Wogen. Motion carried 7-0 on voice vote. The closed session adjourned at 7:06 p.m.

Approved: April 13, 2009
Released: July 9, 2018



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
November 24, 2008**

The City Council of DeKalb, Illinois, held a closed session on November 24, 2008 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:54 p.m. Council members in attendance were: Acting Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; and Donna Johnson, City Clerk.

PENDING LITIGATION:

Mr. Biernacki informed Council about the matter of Elliott & Wood wanting to have access for their property through property owned by Bill Lovett. Jim Elliott has asked if the City would do eminent domain because the informal discussions had failed. Ms. Guess explained the process involved in eminent domain and suggested trying to mediate a deal between the parties first. If that fails, the City could hire outside legal assistance and Elliott & Wood would pay all the costs involved.

Ald. Baker said he was vehemently opposed to getting involved at the level of eminent domain, but was agreeable to the City mediating.

Mr. Biernacki noted that a public purpose would have to be established before using eminent domain. He discussed some other options including civil court action.

Ald. Gorski asked about input from Mr. Lovett on his side of the issue.

Council concurred with having Mr. Biernacki and Ms. Guess try to mediate a solution.

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Naylor. Motion carried 7-0 on voice vote. The closed session adjourned at 6:58 p.m.

Approved: April 13, 2009
Released: July 9, 2018

DONNA S. JOHNSON City Clerk



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
December 8, 2008**

The City Council of DeKalb, Illinois, held a closed session on December 8, 2008 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:15 p.m. Council members in attendance were: Acting Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, City Attorney; Norma Guess, City Attorney; Dawn Didier, Assistant City Manager; Bruce Harrison, Acting Fire Chief; and Donna Johnson, City Clerk.

WORKERS COMPENSATION:

Ms. Didier reported on a workers compensation case involving a police officer with a knee injury. Following discussion, Council concurred with negotiating to settle the case up to the maximum provided by law.

Ms. Didier left the meeting.

PENDING LITIGATION:

Ms. Guess reported on the status of the Ertl (former firefighter) case. She suggested offering to hire him back as a probationary employee, the same as when he left. Since he has another full-time position with another department, he may refuse to return. If he does refuse, it would eliminate any future financial obligation for the City. Discussion followed on the options if he returned or not.

Acting Chief Harrison left the meeting.

PERSONNEL:

Mr. Biernacki explained his plans to reorganize departments due to vacant positions that would not be filled. He would not fill the vacant Community Development position at this time. He planned to promote Bruce Harrison to the Fire Chief position and not fill the vacant Assistant Fire Chief position. Also, Community Development would cease to be a department and two new divisions would be created under Public Works. There would be a Building and Code Enforcement Division with Lou Larson supervising and a Planning Division with Derek Hiland supervising. The Transportation Planning functions would go in with the Engineering Department. He planned to make the announcement public on January 12th.

Mr. Naylor asked to see an organizational chart showing before and after departments. Discussion followed noting that this department is at minimum staffing level now.

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Teresinski. Motion carried 7-0 on voice vote. The closed session adjourned at 7:00 p.m.

Approved: April 13, 2009
Released: July 9, 2018



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
DECEMBER 17, 2008**

The City Council of DeKalb, Illinois, held a closed session on December 17, 2008, in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Special meeting of the same day.

The closed session started at 5:35 p.m. Council members in attendance were: Acting Mayor Kris Povlsen, Alderman Tom Teresinski, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller. Alderman Bertrand Simpson was absent (arrived at 6:14 p.m.).

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, City Attorney; Norma Guess, City Attorney; Bill Feithen Police Chief; and Donna Johnson, City Clerk.

COLLECTIVE BARGAINING: Bob Smith, City's consultant for negotiations with the Police Union, reviewed the steps to follow in the negotiation process with the Police Union. At this time, the Police wish to proceed to mediation. Mr. Smith explained that there is no fee for the federal mediator; he can't make the City or Union do anything; his objective is to get the parties to agree to a voluntary settlement; and it doesn't matter to him who gets what in the agreement.

After 14 days and no voluntary agreement, the next step would be to ask for final and binding interest arbitration. For this the City would pay half of the arbitrator fees. Any unresolved issues would go to this arbitrator who would make the final and binding decision. The City and the Union would each make its final offer and the arbitrator would pick one or the other for each issue. He can't split the decision or offer a compromise with the exception of perhaps some language changes. It is important that each side present its best offer because if one side makes a very low or high offer, it is more likely the arbitrator would decide for the opposite side.

Mr. Smith then explained about using comparable communities in the process and how to go about determining those comparables based on location, population, sales tax rate and property equalized assessed valuation. If DeKalb has a list of comparables now, it would not be likely that any changes would be approved.

Chief Feithen noted that there is no agreed upon list of comparables with the Police Union. One has not been needed in the past few negotiations.

Ald. Baker spoke in support of having only a one-year contract to see what happens with the economy.

Ald. Simpson arrived at the meeting.

Ald. Teresinski asked how to go about breaking past cycles. Mr. Smith responded that is best done in bargaining, not arbitration. Ald. Teresinski asked how to deal with changes in the Council after the upcoming election. Mr. Smith advised having the City Manager provide the background information and handle the professional bargaining. Council should not be involved in details; just look at the policy issues. He also noted that Council should try to present a united front in public; arguments should be in private.

Mr. Biernacki noted that the meeting with the mediator is set for January 16th. At what level and when does Council get involved. Mr. Smith explained that Council has to give the negotiation team the authority to set a tentative agreement. Mr. Biernacki said that staff would work with Mr. Smith and come back to Council on January 12th for direction on mediation.

Mr. Biernacki asked if there was any benefit to having all three union contracts run at the same time. Mr. Smith replied it would be a burden on staff, but it could be done. Most communities try to settle with the least strong first and most communities do stagger the contract periods.

ADJOURNMENT:

MOTION

Ald. Keller moved to adjourn the closed session; seconded by Ald. Teresinski. Motion carried 7-0 on voice vote. The closed session adjourned at 6:45 p.m.

Minutes Approved: April 13, 2009
Released: December 13, 2021

DONNA S. JOHNSON, City Clerk





EXECUTIVE-CLOSED SESSION MINUTES INDEX

2009		Recommendation for Release	
		Yes	No
January 12, 2009 (COW) Approved: April 13, 2009	Collective Bargaining	X	
January 26, 2009 (COW) Approved: April 13, 2009	Collective Bargaining	X	
	Land Acquisition	Released: July 9, 2018	
	Personnel	Released: July 9, 2018	
February 9, 2009 (Regular) Approved: April 13, 2009	Collective Bargaining	X	
	Land Acquisition	Released: July 9, 2018	
	Personnel	Released: July 9, 2018	
February 23, 2009 (COW) Approved: April 13, 2009	Collective Bargaining	X	
March 9, 2009 (COW) Approved: April 13, 2009	Collective Bargaining	X	
	Pending Litigation	Released: July 9, 2018	
March 23, 2009 (COW) Approved: April 13, 2009	Collective Bargaining	X	
	Personnel		
April 13, 2009 (COW) Approved: October 25, 2010	Collective Bargaining	X	
	Land Acquisition	Released: July 9, 2018	
	Real Estate	Released: July 9, 2018	
April 27, 2009 (COW) Approved: October 25, 2010	Collective Bargaining	Released: July 9, 2018	
	Land Acquisition	Released: July 9, 2018	
	Pending Litigation	Released: July 9, 2018	
	Personnel	X	
	Real Estate	Released: July 9, 2018	
May 11, 2009 (COW) Approved: October 25, 2010	Collective Bargaining	X	
	Land Acquisition	Released: July 9, 2018	
	Personnel	X	
	Risk Management	Released: July 9, 2018	
May 18, 2009 (Special) Approved: October 25, 2010	Collective Bargaining	X	
May 26, 2009 (Regular) Approved: October 25, 2010	Collective Bargaining	X	
	Pending Litigation	Released: July 9, 2018	
	Risk Management	Released: July 9, 2018	
June 8, 2009 (COW) Approved: March 12, 2012	Collective Bargaining	X	
June 22, 2009 (COW) Approved: March 12, 2012	Collective Bargaining	X	
June 29, 2009 (Special) Approved: March 12, 2012	Collective Bargaining	Released: July 9, 2018	
July 13, 2009 (COW) Approved: March 12, 2012	Collective Bargaining	Released: July 9, 2018	
July 13, 2009 (Regular) Approved: March 12, 2012	Collective Bargaining	X	
	Purchase or Lease of Real Property	Released: July 9, 2018	
July 27, 2009 (Regular) Approved: March 12, 2012	Collective Bargaining	X	
	Personnel	X	
	Purchase or Lease of Real Property	Released: July 9, 2018	
	Sale or Lease of Real Property	Released: July 9, 2018	
	Worker's Compensation	Released: July 9, 2018	
August 10, 2009 (COW) Approved: March 12, 2012	Collective Bargaining	X	



EXECUTIVE-CLOSED SESSION MINUTES INDEX

2009		Recommendation for Release	
		Yes	No
August 17, 2009 (Special) Approved: March 12, 2012	Collective Bargaining	Released: July 9, 2018	
August 24, 2009 (COW) Approved: March 12, 2012	Collective Bargaining Purchase of Real Property Worker's Compensation	Released: July 9, 2018	
September 14, 2009 (COW) Approved: March 12, 2012	Purchase of Real Property Worker's Compensation	Released: July 9, 2018	
September 28, 2009 (Regular) Approved: March 12, 2012	Collective Bargaining	X	
	Worker's Compensation	Released: July 9, 2018	
October 12, 2009 (COW) Approved: March 12, 2012	Collective Bargaining	Released: July 9, 2018	
	Personnel	X	
October 26, 2009 (Regular) Approved: March 12, 2012	Land Acquisition Personnel Sale of Real Property	Released: July 9, 2018	
November 9, 2009 (COW) Approved: March 12, 2012	Collective Bargaining Personnel Purchase of Real Property	Released: July 9, 2018	
November 23, 2009 (COW) Approved: March 12, 2012	Sale of Real Property	Released: July 9, 2018	
November 23, 2009 (Regular) Approved: March 12, 2012	Collective Bargaining	Released: July 9, 2018	
November 24, 2009 (Regular) Approved: March 12, 2012	Collective Bargaining (Reconvened from 11/23/09 mtg.)	Released: July 9, 2018	
December 14, 2009 (COW) Approved: March 12, 2012	Collective Bargaining	Released: July 9, 2018	
	Pending Litigation	Released: July 9, 2018	
	Personnel	X	

Audio recordings of the 2009 Executive Session meetings destroyed August 9, 2019, as per Resolution 2019-110.

**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
JANUARY 12, 2009**

The City Council of DeKalb, Illinois, held a closed session on January 12, 2009, in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:25 p.m. Council members in attendance were: Acting Mayor Kris Povlsen, Alderman Bertrand Simpson Alderman Tom Teresinski, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, City Attorney; Norma Guess, City Attorney; Bill Feithen Police Chief; and Donna Johnson, City Clerk.

COLLECTIVE BARGAINING: Mr. Biernacki requested Council direction on terms they were willing to approve for negotiations with the Police Union.

Mr. Espiritu reviewed the current status of negotiations.

Following discussion, there was a general consensus to support having a one-year contract. Discussion continued on the amount of a cost-of-living increase. Council preferred the amount to be under 4%. If the contract was settled for more than one year, it was expected the Police Union would agree to a 20% employee contribution to the health insurance premium.

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Wogen. Motion carried 7-0 on voice vote. The closed session adjourned at 7:00 p.m.

DONNA S. JOHNSON, City Clerk

Minutes Approved: April 13, 2009
Released: December 13, 2021



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
JANUARY 26, 2009**

The City Council of DeKalb, Illinois, held a closed session on January 26, 2009, in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:35 p.m. Council members in attendance were: Acting Mayor Kris Povlsen, Alderman Bertrand Simpson Alderman Tom Teresinski, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, City Attorney; Norma Guess, City Attorney; Sue Guio, Community Services Planner; and Donna Johnson, City Clerk.

LAND ACQUISITION: *(Released: July 9, 2018)* Ms. Guio reported that appraisals were received on four properties prone to flooding in the Dawn/David Taylor area for purchase with Community Development Block Grant funds. She believed there was enough in the fund to purchase three or maybe four, but that may not leave enough for demolition. She noted that the City may only offer the appraised value, not less or more, so each offer to a homeowner would be on a "take it or leave it" basis. Mr. Biernacki noted that staff would get quotes on the price of demolition to see if three or four could be purchased. Ms. Guio was ready to proceed with discussions with the property owners, but no promises would be made yet.

Ms. Guio left the meeting at 6:50 p.m.

COLLECTIVE BARGAINING: Mr. Biernacki reported that the negotiations are almost to an impasse with the Police Union. The City has offered 3½%, but the Union is at 4 or 5%. He believed the City would be in a good position at 3½% if negotiations went to arbitration.

Acting Mayor Povlsen suggested standing firm at 3½% and there were no objections from Council. Ald. Gorski moved to recess the closed session; seconded by Ald. Teresinski. Motion carried 7-0 on voice Action Mayor Povlsen declared the session recessed at 6:58 p.m.

Action Mayor Povlsen reconvened the closed session at 7:47 p.m. following the regular meeting. Mr. Espiritu and Ms. Sue Guio did not return to the meeting.

PERSONNEL: *(Released: July 9, 2018)* Mr. Biernacki distributed evaluation forms for use in the annual (5th year) performance review for the City Manager.

Mr. Biernacki left the meeting at 7:48 p.m.

Council agreed to complete the evaluation forms and submit them to the Acting Mayor who would have the information compiled by Human Resources and discussion would continue at the next closed session.

ADJOURNMENT:

MOTION

Ald. Keller moved to adjourn the closed session; seconded by Ald. Teresinski. Motion carried 7-0 on voice vote. The closed session adjourned at 7:52 p.m.

DONNA S. JOHNSON, City Clerk

Minutes Approved: April 13, 2009
Partial Release: July 9, 2018 (Land Acquisition & Personnel)
Full Release: December 13, 2021



MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
FEBRUARY 9, 2009

The City Council of DeKalb, Illinois, held a closed session on February 9, 2009, in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular meeting of the same day.

The closed session started at 7:30 p.m. Council members in attendance were: Acting Mayor Kris Povlsen, Alderman Bertrand Simpson Alderman Tom Teresinski, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, City Attorney; Norma Guess, City Attorney; Sue Guio, Community Services Planner; and Donna Johnson, City Clerk.

LAND ACQUISITION: *(Released: July 9, 2018)* Ms. Guio reported that agreements had been reached to buy three of four residences prone to flooding in the Dawn/David Taylor area. She explained the terms of the sales. One property owner claimed his property tax EAV was higher than the appraisal price and negotiations would continue. Council had no objections to proceeding with the purchases.

Ms. Guio left the meeting at 7:38 p.m.

COLLECTIVE BARGAINING: Mr. Biernacki reported that no comments had been received from the Police Union since the mediation session.

Mr. Biernacki reported on the financial forecast for the City and the impact on future collective bargaining. He discussed the possible need for wage concessions such as a wage freeze.

Mr. Espiritu provided more information on estimates for future revenues and expenditures. Ms. Guess advised Council on the legal aspects of bringing up a wage freeze during negotiations with a union.

Discussion followed and Mr. Biernacki concluded that Council should think about the situation more and there would be further discussion of the matter with the consultant attorney providing labor assistance. Mr. Biernacki advised Council there is a need to look at what services could be cut or how to increase revenues.

PERSONNEL: *(Released: July 9, 2018)* Mr. Biernacki left the meeting. Council discussed the results of the compiled evaluation forms for the City Manager. Council concluded they were pleased with the job performance of Mr. Biernacki and he was deserving of a salary increase, but that was not feasible while discussing a wage freeze for all other employees.

Mr. Biernacki returned to the meeting at 8:47 p.m.

Council reviewed the evaluation results with Mr. Biernacki.

Acting Mayor Povlsen briefly opened the meeting to the public at 8:58 p.m. for the purpose of extending the adjournment time.

The evaluation review continued.

ADJOURNMENT:

MOTION

Ald. Gorski moved to adjourn the closed session; seconded by Ald. Wogen. Motion carried 7-0 on voice vote. The closed session adjourned at 9:11 p.m.

DONNA S. JOHNSON, City Clerk

Minutes Approved: April 13, 2009

Partial Release: July 9, 2018 (Land Acquisition & Personnel)

Full Release: December 13, 2021



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
FEBRUARY 23, 2009**

The City Council of DeKalb, Illinois, held a closed session on February 23, 2009, in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:18 p.m. Council members in attendance were: Acting Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; and Liz Peerboom, Deputy City Clerk.

COLLECTIVE BARGAINING: Mr. Biernacki discussed options in wage concessions. Alderman Naylor asked if there had been any recent discussions with the Fraternal Order of Police and Mr. Biernacki advised there had been none.

Mr. Espiritu advised the TIF surplus for 2011 would be \$300,000; the deficit will grow in the next few years even with not filling the 6 positions. Mr. Espiritu offered the following options:

- Wage freeze for one year + furlough.
- 8 layoffs – 2 Fire, 2 Police, 2 AFSCME, 2 Management
- 8 layoffs + 1 week furlough
- TIF sales transfer withhold for 1 year, no furloughs, all colas
- Property tax increase – not sustainable revenue
- Gas and electric tax

City Attorney Guess advised that tax increases need to be not an option before negotiations.

Mr. Biernacki advised that the City was not in negotiations with IAFF or AFSCME and would need side letters. He added that FOP would need to be negotiated because they don't have a contract at this time.

City Council as a whole is struggling with the fact that layoffs may be necessary. Mr. Biernacki said that departments are shorthanded as it is. Council prefers the option of a wage freeze.

ADJOURNMENT:

MOTION

Ald. Simpson moved to adjourn the closed session; seconded by Ald. Baker. Motion carried 7-0 on voice vote. The closed session adjourned at 6:59 p.m.

LIZ PEERBOOM, Deputy City Clerk

Minutes Approved: April 13, 2009
Released: December 13, 2021



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
MARCH 9, 2009**

The City Council of DeKalb, Illinois, held a closed session on March 9, 2009, in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:36 p.m. Council members in attendance were: Acting Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Bill Feithen Police Chief; and Donna Johnson, City Clerk.

PENDING LITIGATION (*Released: July 9, 2018*) Ms. Guess reviewed the status of an EEOC complaint filed by a police officer. The EEOC decided not to validate the discrimination complaint but did issue a right to sue letter.

Ms. Guess reported a false arrest claim against the police was filed in federal court. She outlined the occurrence that led up to the complaint. A man was found deceased at a local motel. Another man and woman had been seen there by the motel staff. The woman told police that the man supplied heroin to her and the deceased man. An arrest was made on the charge of drug induced homicide. In court, the woman said she could not remember, resulting in the judge dismissing the case. The City believes there was good cause to make the arrest and there is no evidence of malicious prosecution. Ms. Guess requested approval to obtain outside legal counsel to assist with this case which will be heard in a Chicago courtroom. She recommended a Chicago law firm and estimated the cost to be about \$15-20,000. Council had no objections to contracting with the outside law firm.

Ald. Teresinski moved to recess the session until after the Regular meeting; seconded by Ald. Wogen. Motion carried 7-0 on voice vote. Acting Mayor recessed the session at 6:55 p.m.

Acting Mayor Povlsen reconvened the session at 8:33 p.m.

COLLECTIVE BARGAINING: Ms. Guess provided an up-date on the arbitration process of negotiations with the Police Union.

Mr. Biernacki continued the discussion on future negotiations with all the unions in light of the economic concerns of the City.

Mr. Espiritu reviewed options that would enable the City to have a balanced budget for the upcoming year. They included cost of living increases, not filling vacant positions and TIF transfers. He also noted that the City has no liability insurance and suggested looking at joining a risk pool. Mr. Biernacki said that an additional \$400,000 should be added to the current average of \$500,000 for claims to protect the City in the case of major claims. Mr. Espiritu continued with more information about options for balancing the budget. Mr. Biernacki stated that staff recommends an option including a 2% wage increase, TIF transfer contributions, no general fund allocation to fund a

new police station and joining a risk pool for liability insurance.

Acting Mayor Povlsen briefly opened the session to the public at 8:57 p.m. for the purpose of extending the adjournment time.

Following discussion, Council concluded that the discussions with the unions concerning a wage freeze should begin after the first meeting in April. Council's intent is to not raise taxes and balance the budget with a 0% increase in wages.

ADJOURNMENT: Ald. Wogen moved to adjourn the closed session; seconded by Ald. Keller. Motion carried 7-0 on voice vote. The closed session adjourned at 9:25 p.m.

DONNA S. JOHNSON, City Clerk

Minutes Approved: April 13, 2009
Partial Release: July 9, 2018 (Pending Litigation)
Full Release: December 13, 2021



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
MARCH 23, 2009**

The City Council of DeKalb, Illinois, held a closed session on March 23, 2009 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:27 p.m. Council members in attendance were: Acting Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Bruce Harrison, Fire Chief; Bill Feithen Police Chief; and Donna Johnson, City Clerk.

PERSONNEL: Mr. Biernacki provided information about the availability of federal stimulus funding for additional fire and police personnel. The funding would cover entry level costs for new employees, but there would still be costs to the City for training, etc. To receive this funding, the City would be required to maintain the current level of staffing in the departments plus retain the new employees for three to five years. The City would also have to cover the increase in wages for following years and would not be able to reduce the number of employees if the economy continues to decline. He was uncomfortable with making any recommendation to apply for this funding, but wanted Council to be aware of the reasons for not taking advantage of what may appear to be free money.

Chief Harrison advised Council of some other communities he was aware of that have turned down grants because of the long term obligations.

Chief Feithen affirmed that they are not asking to apply for the grants; it is information so that Council is aware of the restrictions involved.

Following discussion, Council concurred that the City should not take the risk of having the future obligation connected with the grants.

Acting Mayor Povlsen commented on his concerns about discussions held in closed session being relayed to the public. He warned that the ability to have open and honest discussion would be threatened if the members could not be relied upon to respect the need for confidentiality.

COLLECTIVE BARGAINING: Ald. Naylor affirmed that it may be best to delay discussion with the unions concerning a wage freeze until after the April 7th election.

Mr. Espiritu reviewed the costs of health insurance for employees noting that joining the risk pool has resulted in a decrease in cost to the City. Mr. Biernacki commented that action by Mr. Espiritu to have the City join the risk pool has resulted in over a million dollars in savings to the City.

Mr. Espiritu reported on the value of cost savings if a wage freeze was approved. He also recommends Council consider not putting \$150,000 in to the public facilities fund this coming year

and also returning to the general fund the \$150,000 that was transferred in the past year. He provided additional information about the tax levels. He stated that all of this is not a permanent fix for the budget concerns, but it will balance the budget for the upcoming year.

Mr. Biernacki also explained that additional funds could be available by not taking TIF funding from the State resulting in the City's portion of about \$800,000 being available for use in the general fund.

ADJOURNMENT: Ald. Keller moved to adjourn the closed session; seconded by Ald. Wogen. Motion carried 7-0 on voice vote. The closed session adjourned at 7:00 p.m.

DONNA S. JOHNSON, City Clerk

Minutes Approved: April 13, 2009
Released: December 13, 2021



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
APRIL 13, 2009**

The City Council of DeKalb, Illinois, held a closed session on April 13, 2009 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:25 p.m. Council members in attendance were: Acting Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Bill Feithen Police Chief; Tom Cleveland, ADPW-Airport Manager; and Donna Johnson, City Clerk.

REAL ESTATE, 5 ILCS 120/2(6): *(Released: July 9, 2018)* Mr. Biernacki and Mr. Cleveland reviewed a proposed land lease agreement with The Riggsby Family, LLC for property at the DeKalb Taylor Municipal Airport to be used for an aviation hangar. Council concurred with proceeding.

LAND ACQUISITION, 5 ILCS 120/2(5): *(Released: July 9, 2018)* Mr. Biernacki reported on the assurance from Representative Bill Foster that the City would receive \$700,000.00 of funding that may be used for airport purposes. He and Mr. Cleveland explained about the possible purchase and use of the Clark and the Bright Star properties. Council concurred with proceeding.

Mr. Cleveland left the meeting at 6:38 p.m.

COLLECTIVE BARGAINING, 5 ILCS (120/2(2)): Mr. Biernacki reported that the City and Police Union had agreed on an arbitrator.

Mr. Biernacki stated he is ready to begin discussions with employees concerning the need for wage concessions to avoid employee lay-offs in the next budget year. He was hopeful of cooperation from the unions so that lay-offs would not be necessary. He noted that if even one group decides they want lay-offs rather than a wage freeze, he would want to reduce services so as not to incur an increase in overtime.

Mr. Biernacki announced the report from the financial consultants was near completion and the information contained in it will be seen as very controversial. He advised Council to review the report carefully and to think about if and how they want to go public with it. He noted the recommendations were for long term ideas on how to do business and would not have an effect on the upcoming budget year.

Ms. Guess warned Council not to mention the report at an open meeting unless the Council was prepared to release it entirely to the public. If the report is mentioned at an open public meeting, it is subject to FOIA requests, even confidential portions.

As an example, Mr. Biernacki commented about the report containing recommendations to change

health insurance benefits for retirees that would be very upsetting to the current 118 retirees.

Discussion followed with Ald. Baker strongly in support of making the report public. Council concluded with agreement to Ald. Naylor's suggestion that Council review the report before making a decision.

ADJOURNMENT: Ald. Keller moved to adjourn the closed session; seconded by Ald. Teresinski. Motion carried 7-0 on voice vote. The closed session adjourned at 7:00 p.m.

DONNA S. JOHNSON, City Clerk

Minutes Approved: October 25, 2010
Partial Release: July 9, 2018 (Land Acquisition & Real Estate)
Full Release: December 13, 2021



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
APRIL 27, 2009**

The City Council of DeKalb, Illinois, held a closed session on April 27, 2009 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:47 p.m. Council members in attendance were: Acting Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Victor Wogen, Alderman Donna Gorski, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Bill Feithen Police Chief; Joel Maurer, Director of Engineering Services; Sue Guio, Community Services Planner; and Donna Johnson, City Clerk.

LAND ACQUISITION, 5 ILCS 120/2(5): *(Released: July 9, 2018)* Mr. Biernacki reported that additional grant funds would be available to buy more flood prone property. The funding is specific to six properties that were listed when the grant application was submitted and can not be changed even though Council has subsequently changed priorities. He noted that a 25% match by the City is required. Community Development Block Grant funds may only be used for blighted property. The home on Fairmont Drive that floods is not in a blighted area, but staff will try to have it declared to be spot blighted. Mr. Biernacki also advised there is \$200,000 available through the bond anticipation note that has not been used for the purchase of a new police facility. It is a possible source for match funds, but it would have to be repaid.

Ald. Naylor reminded Council there are even more homes that are prone to flooding problems. He suggested looking at the possibility of a bond issue to purchase those properties now and pay back over a period of time.

Following discussion, Acting Mayor Povlsen concluded that staff could move forward with the purchases to acquire more information on the cost to the City and means to pay the City share. Council concurred.

MOTION: Ald. Naylor moved to recess the closed session till after the regular meeting. Motion carried 7-0 on voice vote. Acting Mayor Povlsen declared the motion passed and the session recessed at 6:59 p.m.

The closed session reconvened at 8:14 p.m.

REAL ESTATE, 5 ILCS 120/2(6): *(Released: July 9, 2018)* Mr. Biernacki explained a proposal to have space available in the downtown business area that could be leased to restaurants for out door dining. The lease fee would be 90 cents per square foot per year. The City would acquire a commitment by means of a lease document prior to arranging for the necessary street work as part of the revitalization plan. Following discussion, Council concurred with proceeding.

PENDING LITIGATION 5 ILCS 120/2(11): *(Released: July 9, 2018)* Ms. Guess explained the circumstances of a law suit filed by Nick Harold and Sean Harold against South Elgin and the City of DeKalb. She believed the City would be released from the case fairly quickly as the primary charges involved South Elgin. Since this will be held in a federal court, she asked for approval to have an outside attorney represent DeKalb, and again advised it should be a brief matter for DeKalb. Council concurred with proceeding.

COLLECTIVE BARGAINING 5 ILCS 120/2(2): (Released: July 9, 2018) Mr. Biernacki reported he had met with AFSCME, Fire and Management employees about the need for wage concessions in lieu of employee lay-offs. A meeting with Police employees is scheduled for Friday, May 1st. The proposed new fiscal year budget would be made public on May 11th.

PERSONNEL 5 ILCS (120/1(1): Mr. Biernacki asked for Council direction concerning the report from the financial consultants now that all had a chance to review it. He noted there is information in the report that could affect the City's position in collective bargaining. There is nothing in the report that will assist in preparing the FY 2009-10 budget so public release could be delayed if Council wished. At the same time, the public will be wondering if the report is done and why it has not been released.

Ald. Baker strongly supported releasing the entire report to the public and considerable discussion followed.

Acting Mayor Povlsen briefly opened the meeting to the public at 8:58 p.m. for the purpose of extending the adjournment time.

Discussion continued on the topic. In response to the question from Acting Mayor Povlsen, Ald. Baker wanted to release the report to the public. Ald. Simpson wanted to wait; Ald. Naylor was undecided; Ald. Teresinski favored releasing to the public, but give it to the unions before the general public; and Ald. Gorski wanted to wait. Following further discussion, Ald. Keller agreed to release it to the public under the discussed concept that it was the consultants report; not final decisions made by the Council. Ald. Wogen favored releasing the report during budget discussions, but withholding negotiation matters.

Following more discussion, it was concluded that staff should release the report to the public.

ADJOURNMENT: Ald. Simpson moved to adjourn the closed session; seconded by Ald. Gorski. Motion carried 7-0 on voice vote. The closed session adjourned at 9:34 p.m.

DONNA S. JOHNSON, City Clerk



Minutes Approved: October 25, 2010

Partial Release: July 9, 2018 (Collective Bargaining, Land Acquisition, Pending Litigation, and Real Estate)

Full Release: December 13, 2021

**MINUTES
COMMITTEE OF THE WHOLE
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
MAY 11, 2009**

The City Council of DeKalb, Illinois, held a closed session on May 11, 2009 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 9:05 p.m. Council members in attendance were: Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Victor Wogen, Alderman Brendan Gallagher, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney and Steve Kapitan, City Clerk.

LAND ACQUISITION, 5 ILCS 120/2(5): *(Released: July 9, 2018)* Mr. Biernacki reported that Mr. Elliot and Bill Lovett have not been able to come to an agreement for Mr. Elliot to acquire a half acre of neighboring Bill Lovett's property in order to extend a storm water pipe that would better control storm water for the industrial park he is building. Mr. Biernacki stated that Mr. Elliott is willing to pay the asking price if the City pays part of the cost since the approach would reduce water runoff into the adjacent neighborhood. Mr. Biernacki added that Mr. Elliott has the right to proceed with his project without the pipe extension.

Alderman Gallagher told of his efforts to mediate between the parties before he was sworn as Alderman in an effort to alleviate some of the flooding that the Dodge Addition periodically experiences. Alderman Teresinski asked about the impact on the neighborhood. Mr. Biernacki stated that the pipe extension would not fundamentally solve the flooding problems in the neighborhood. After further discussion the Mayor declared a consensus that the City not participate in the land purchase. No objection was voiced.

RISK MANAGEMENT 5 ILCS 120/12: *(Released: July 9, 2018)* Mr. Espiritu made a presentation on the various options that the City has for managing worker's compensation or general liability risk. He started by reminding the Council that the City is 100% self insured since 1992. He explained the costs and benefits of the various options shown on the spreadsheet handout containing quotes received from three proposals. One was insurance and two were risk management pools. He explained that the membership would bring with it expertise and assistance in reducing claims. He stated that the staff recommends the proposal from MICA, a pool of 24 member municipalities.

A discussion of deductibles, catastrophic coverage and the impact of Workers Compensation claims on the City's ability to maintain reserves over the years under self insurance. There was further discussion about the City's past handling of Workers Compensation claims and how the pool membership would help in reducing claims. The pros and cons of the options were further discussed. The Mayor summarized the consensus as directing to inquire about alternative deductibles and to contact one of the risk pools to clarify some elements about their pool.

COLLECTIVE BARGAINING 5 ILCS 120/2 & PERSONNEL 5 ILCS 120/1: Mr. Biernacki reported Management has had discussions with AFSCME regarding the consultant's report (EPI) and that the Fire union had made a counter offer. The Mayor related his meeting with AFSCME

representatives. He told of their criticisms of the Consultants' Report and their fear of possible layoffs. He told of their concern that they had given concessions last year and that the City was asking them for more. Wage concession in exchange for job security was discussed.

Mr. Biernacki explained the firefighter union's counter offer. The Council discussed the IAFF proposals and possible alternatives spelled out in a staff memo to the Council. Issues discussed included one year versus a two year agreement, a no layoff clause in exchange for opening their contract and allowing a wage freeze. How offers made to one of the employee bargaining units might affect negotiations with the other employee unions was discussed. Present throughout the discussion was the difficult economic times, skyrocketing health insurance costs, people in the private sector having to give concessions and the City's dire financial condition. Closing one of the Fire Stations was discussed. Public reaction to whatever decision is made was often brought up during the discussion. Aldermen Baker, Keller and Wogen did not want to go through with laying off firefighters. The Mayor pointed out that the firefighters have received wage increases of 4% every year for many years. He declared that the consensus was to have Mr. Biernacki offer a wage increase only if the fire union could come with the savings to pay for it.

ADJOURNMENT: Ald. Gallagher moved to adjourn the closed session; seconded by Ald. Baker. Motion carried by voice vote. The closed session adjourned at 10:48 p.m.

STEVEN C KAPITAN, City Clerk

Minutes Approved: October 25, 2010
Partial Release: July 9, 2018 (Land Acquisition & Risk Management)
Full Release: December 13, 2021



**MINUTES
SPECIAL MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
MAY 18, 2009**

The City Council of DeKalb, Illinois, held a closed session on May 18, 2009 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Special meeting on the same day.

The closed session started at 9:13 p.m. Council members in attendance were: Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Brendan Gallagher, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller. Absent: Alderman Victor Wogen.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Bruce Harrison, Fire Chief, and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2: Mr. Biernacki opened the meeting by sharing reaction by representatives of the firefighters' union (IAFF) to the City's proposal. He stated that the union representatives did not think that the Council understood the negative impact on fire service to the community if there were layoffs.

Chief Harrison made a presentation on the trend in calls for service, the trend in staffing level and how the Department deploys the staffing level that the City currently has. In this presentation he referred to a number of charts and graphs distributed to the members of the City Council. He talked about the concentration of calls in short periods of time that occur at times. These occurrences result in mutual aid requests of other fire departments and call backs of off duty firefighters. He stated that such occurrences would increase with staffing cuts. He went on to refer to charts and graphs that showed trends on costs and revenues. He pointed out to the Council that his presentation does not even address the capital costs that the City faces into the future.

Mr. Biernacki and Chief Harrison talked about where DeKalb firefighters stand in pay and benefits compared to other comparable communities. Alderman Gallagher raised the question of the costs versus benefits of providing ambulance service. Council members also asked about how staffing levels are managed to meet the call demand.

Mr. Biernacki summarized the IAFF proposal and options four options for the City to offer in a counter proposal. The City Council discussed the pros and cons of the several options. Mr. Biernacki and Chief Harrison offered their opinion the implications on levels of service when choosing certain options. Chief Harrison stated that at some level of staffing cuts, risk to the community would increase. Discussion of strategy ensued. Mayor Povlsen declared the consensus direction to be the option that offers no layoffs in exchange for a freeze in pay.

ADJOURNMENT: Ald. Simpson moved to adjourn the closed session; seconded by Ald. Keller. Motion carried by voice vote. The Mayor declared the closed session adjourned at 10:02 p.m.

STEVEN C KAPITAN, City Clerk

Minutes Approved: October 25, 2010
Released: December 13, 2021



**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
MAY 26, 2009**

The City Council of DeKalb, Illinois, held a closed session on May 26, 2009 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular meeting of the same day.

The closed session started at 8:45 p.m. Council members in attendance were: Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Brendon Gallagher, Alderman Ronald Naylor and Alderman David Baker. Absent: Alderman Victor Wogen and Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney and Steve Kapitan, City Clerk.

PENDING LITIGATION 5 ILSC 120/2(c)(11) *(Released: July 9, 2018)* Mr. Biernacki referenced an e-mail sent by Ivan Krpan to members of the City Council threatening to sue the City for cutting down trees on his property without his permission. Mr. Biernacki explained the circumstances surrounding a claim by Mr. Krpan, the developer of Hidden Grove subdivision south of Rich Road, that the City trespassed on his land and cut down trees which impaired his ability to sell undeveloped lots nearby. Mr. Biernacki explained that it appears that the City did trespass on his land. He stated that the City had attempted to work with Mr. Krpan in order to improve safety in the neighborhood by installing a gravel path ahead of the time that he would be obligated to install a sidewalk. Responding to residents concerned about the safety of children walking to Brooks Elementary, the City cut down some scrub trees and installed the gravel path at the City's expense. Mr. Biernacki disputed the notion that the loss of the trees would have any detrimental effect on sales of lots there.

Ms. Guess explained that Mr. Krpan would have to prove a direct impact of the loss of trees on sales in order to be compensated for such losses. She went on to say that while he may be awarded compensation for the trespass but that it would likely be offset by the City having paid for installation of the gravel path.

Alderman Gallagher asked if City Engineer Joel Maurer has records of communications with Mr. Krpan about this. Ms. Guess stated that she expects that he would have such records.

Mayor Povlsen briefly opened the meeting to the public at 8:55 p.m. for the purpose of extending the adjournment time.

Alderman Naylor asked about the path's location in relation to the final plat. Mr. Biernacki explained that it varied slightly in order to go around telephone poles. Council discussed options and came to a consensus that the City wait to see if he files the suit.

RISK MANAGEMENT 5 ILCS 120/2(c)(12) *(Released: July 9, 2018)* Mr. Espiritu explained the fundamental differences between the MICA Pool and the IRMA Pool. Both, he asserted, are risk pools that cover general liability and workers compensation. He explained that while both have a premium of about \$1 million IRMA also would require the City to build up an individual reserve fund.

This would amount to \$173,000 per year until 50% of premium is reached. Both would grant rebates and lower premiums if, over time, the City reduced the number of claims, he said.

Alderman Naylor asserted that the reason the City's self insurance has not worked is that within a couple of years in which it was established the City stopped building up the reserve fund that is an important part of self insurance. Alderman Gallagher asked Mr. Espiritu of his experience in Rolling Meadows on risk pools. Mr. Espiritu responded by stating that the bigger cities in the pool end up subsidizing the smaller cities. In this case DeKalb would be the bigger city, which is a risk, he said. After further discussion Mr. Espiritu stated that he would get a firm quote from IRMA to bring back to the Council.

COLLECTIVE BARGAINING 5 120/2(c)(2) Mr. Biernacki described two bills pending in Springfield. One, he said, would mandate no layoffs of firefighters statewide in exchange for a deferral of pension funding for one year. The other one is a possible State Income Tax increase from 3% to 4.5% which, based on the per capita formula the City would get an additional \$1.5 to \$2 million. There is also a proposal to reduce the percentage of the income tax that cities receive below the current 10%, which would be devastating, he said.

Mr. Biernacki outlined the AFSCME proposal that included saving step increases for 6 employees, delaying the increase in health insurance premium contributions and extending the contract for one year. He also commented on the strategic implications of the proposal. He went on to outline a recommended counter proposal. Alderman Gallagher asked Mr. Espiritu if he had analyzed the cost of the proposal. He stated that he had not had time to analyze this newest proposal. Mr. Biernacki interjected that it is consistent with the budget proposal of zero increase and no steps. The recommended proposal would guarantee no layoffs through the end of 2010. A consensus of support emerged out of the discussion.

Mr. Biernacki reported that the firefighters rejected the City's offer. He said that the IAFF has acknowledged that they are prepared to accept layoffs because they refuse to agree to a wage freeze. The Council members all expressed their support of and the budgetary need for the freeze in exchange for no layoffs. Each commented on whether or not they would follow through with the layoffs of firefighters. Alderman Baker expressed disappointment that the IAFF did not come back with a reasonable counter offer. Alderman Simpson stated that we can't afford to flinch on this with decision to go through with the layoffs. Mr. Biernacki stated that he would put the layoffs on the agenda for June 22nd.

ADJOURNMENT: Ald. Simpson moved to adjourn the closed session; seconded by Ald. Naylor. Motion carried by voice vote. The closed session adjourned at 9:55 p.m.

STEVEN C KAPITAN, City Clerk

Minutes Approved: October 25, 2010
Partial Release: July 9, 2018 (Pending Litigation & Risk Management)
Full Release: December 13, 2021



**MINUTES
COMMITTEE OF THE WHOLE
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
JUNE 8, 2009**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole on June 8, 2009 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:05 p.m. Council members in attendance were: Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Victor Wogen, Alderman Brendan Gallagher, Alderman Ronald Naylor and Alderman Brent Keller. Absent was Alderman David Baker.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2 (c)(2) Mr. Espiritu stated that there was no movement from any of the unions on their positions. He went on to explain five options provided the Council in a handout. The pros and cons of these options were discussed. The impact on the bargaining process of public opinion about the possibility of layoffs and cuts in social services funding in the face of the budget crisis was also discussed.

Frustration was expressed during the discussion that the unions could not see that raises in either the existing contracts or a new contract were not realistic without layoffs. Concern about meeting long term pension obligations was also expressed. There was a consensus that the City could not agree to maintain the current workforce without across the board agreement to no wage increase this year.

ADJOURNMENT Ald. Gallagher moved to adjourn the closed session; seconded by Ald. Teresinski. Motion carried by voice vote. The closed session adjourned at 6:37 p.m.

STEVE KAPITAN, City Clerk

Minutes Approved: March 12, 2012
Released: December 13, 2021



**MINUTES
COMMITTEE OF THE WHOLE
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
JUNE 22, 2009**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole on June 22, 2009 in a room adjacent to the cafeteria of DeKalb High School, 1515 South 4th Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:09 p.m. Council members in attendance were: Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Victor Wogen, Alderman Brendan Gallagher, Alderman Ronald Naylor and Alderman David Baker. Absent was Alderman Brent Keller (arrived at 6:32 p.m.).

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Bill Feithen, Police Chief; Norma Guess, City Attorney and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2 (c)(2)

FOP: Mr. Biernacki outlined the arbitrator's decision with regard to the FOP contract. He stated that the arbitrator sided with the City in providing a 3% retroactive pay increase with 0% increase in the coming year. He also explained that the arbitrator chose to continue the percentage of salary approach to the employee's contribution to health insurance. He also explained outlined the participant contributions as 3% of salary for a single, 4% for a single plus one and 5% for family coverage. Mr. Biernacki also explained how the arbitrator chooses one side or the other's position on a particular element of the contract.

Alderman Keller arrived at 6:32 p.m.

AFSCME: Mr. Biernacki explained the AFSCME proposal regarding renegotiation of the current contract. He then outlined the City's counter offer and AFSCME's counter to the City offer. Council consensus was offer an adjustment to the City's position on the level of employee contribution to health insurance, but to hold firm on the other elements.

IAFF: In light of the IAFF refusal to agree to forgo their entire scheduled 4% wage increase, Council members discussed the impact of layoffs and the staffing adjustments that would be required at the three fire houses.

ADJOURNMENT Ald. Baker moved to adjourn the closed session; seconded by Ald. Gallagher. Motion carried by voice vote. The closed session adjourned at 6:52 p.m.

STEVE KAPITAN, City Clerk

Minutes Approved: March 12, 2012
Released: December 13, 2021



**MINUTES
SPECIAL MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
June 29, 2009**

The City Council of DeKalb, Illinois, held a closed session during the Special Meeting on June 29, 2009 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Special Meeting on the same day.

The closed session started at 6:03 p.m. Council members in attendance were: Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Victor Wogen, Alderman Ronald Naylor, Alderman David Baker and Alderman Brent Keller. Absent: Alderman Brendan Gallagher.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Bruce Harrison, Fire Chief, and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2:

Mr. Espiritu discussed with Council the IAFF proposal. Council gave direction to staff to counter offer.

Council discussed the AFSCME contract; consensus was to extend contract through December 31, 2010 with no layoff commitment.

ADJOURNMENT:

Ald. Simpson moved to adjourn the closed session; seconded by Ald. Keller. Motion carried by voice vote. Mayor Povlsen declared the closed session adjourned at 6:39 p.m.

Approved: March 12, 2012
Released: July 9, 2018

STEVE KAPITAN, City Clerk



**MINUTES
COMMITTEE OF THE WHOLE
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
July 13, 2009**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on July 13, 2009 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 6:17 p.m. Council members in attendance were: Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Victor Wogen, Alderman Ronald Naylor, and Alderman David Baker. Absent was Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager, Norma Guess, City Attorney and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2)

Mr. Espiritu explained that the offer proposed to IAFF was to extend the contract one year and maintain thirteen-person staff. Mr. Biernacki described the financial implications. Council discussed the options.

ADJOURNMENT:

Ald. Simpson moved to adjourn the closed session of the Committee of the Whole Meeting; seconded by Ald. Naylor. Motion carried on voice vote. The closed session adjourned at 6:58 p.m.

STEVE KAPITAN, City Clerk



Prepared by: DIANE WRIGHT, City Clerk

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
JULY 13, 2009**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on July 13, 2009 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 9:04 p.m. Council members in attendance were: Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Victor Wogen, Alderman Ronald Naylor, and Alderman David Baker. Absent was Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager, Norma Guess, City Attorney and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2) Mr. Biernacki discussed options regarding potential layoffs with IAFF.

Mr. Biernacki explained potential retiree insurance costs and potential changes. Council discussed options on phasing out this subsidy.

PURCHASE OR LEASE OF REAL PROPERTY 5 ILCS 120/2(c)(5) *(Released: July 9, 2018)*
Mr. Biernacki discussed property at 315 East Lincoln; neighbor to the east doesn't want to purchase entire piece. Mr. Biernacki was given direction to look at property maintenance required and report back to Council.

ADJOURNMENT Ald. Wogen moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Simpson. Motion carried on voice vote. Mayor Povlsen declared he closed session adjourned at 10:07 p.m.

STEVE KAPITAN, City Clerk
Prepared by: **DIANE WRIGHT**, Deputy City Clerk

Minutes Approved: March 12, 2012
Partial Release: July 9, 2018 (Purchase or Lease of Real Property)
Full Release: December 13, 2021



**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
JULY 27, 2009**

The City Council of DeKalb, Illinois, held a closed session during its Regular meeting on July 27, 2009 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular meeting of the same day.

The closed session started at 7:51 p.m. Council members in attendance were: Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Victor Wogen, Alderman Brendon Gallagher, Alderman Ronald Naylor and Alderman David Baker. Absent: Alderman Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney, Bruce Harrison, Fire Chief and Steve Kapitan, City Clerk.

WORKERS COMPENSATION 5 ILCS 120/2 (c) (12): *(Released: July 9, 2018)* Ms. Didier discussed two cases with recommended settlements. Mr. Espiritu also provided an update on a risk management pool.

PERSONNEL 5 ILCS 120/2(c)(1) Mr. Espiritu discussed possibility of Fire Department layoffs. He advised that one Fire Fighter resigned prior to possible termination. Further, he said that IAFF may file a grievance and this may entail arbitration. Mr. Espiritu asked Council for direction if they want to maintain the hiring freeze or hire Fire Fighters. Chief Harrison explained staffing levels, possible reduction in services, call backs and overtime. Council gave direction to hire back Fire Fighters.

COLLECTIVE BARGAINING 5 ILCS 120/2 (c)(2) Mr. Biernacki stated that the Department is managing with the IAFF layoffs.

SALE OR LEASE OF REAL PROPERTY 5 ILCS 120/2 (c)(6) *(Released: July 9, 2018)* Options were discussed on maintaining or selling the West Lincoln Highway Police Station site.

Mayor Povlsen requested that the door be opened.

MOTION: Ald. Naylor moved to extend the meeting past 9:00 p.m.; seconded by Ald. Simpson. Motion carried on voice vote. Mayor Povlsen declared the motion passed. The door was closed after the Motion.

PURCHASE OR LEASE OF REAL PROPERTY 5 ILCS 120/2 (c)(5) *(Released: July 9, 2018)* Mr. Biernacki discussed property at 315 East Lincoln Highway. Also, he advised that there may be the possibility of exchanging land at Annie Glidden and Dresser.

Mr. Biernacki advised that Mel Witmer seeking easement in order to install a second floor deck over Palmer Court which would be attached to the back of Upper Deck Sports Bar.

ADJOURNMENT: Ald. Wogen moved to adjourn the closed session; seconded by Ald. Teresinski. Motion passed on voice vote. Mayor Povlsen declared the closed session adjourned at 9:47 p.m.

STEVE KAPITAN, City Clerk



Minutes Approved: March 12, 2012

Partial Release: July 9, 2018 (Purchase or Lease of Real Property, Sale or Lease of Real Property, and Worker's Compensation)

Full Release: December 13, 2021

**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
AUGUST 10, 2009**

The City Council of DeKalb, Illinois, held a closed session August 10, 2009 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 6:39 p.m. Council members present: Mayor Povlsen, Ald. Teresinski, Ald. Wogen, Ald. Gallagher, Ald. Naylor, and Ald. Baker. Absent were: Ald. Simpson and Ald. Keller.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager, Norma Guess, City Attorney, Fire Chief Bruce Harrison and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2 (c)(2): Mr. Espiritu reported that staff and the City's Labor Attorney recently met with the Firefighter's Union at which time the Union presented their proposed minimum staffing plan. Mr. Espiritu explained the IAFF's proposal versus the City's counter proposal. Mr. Espiritu stated that there were several offers discussed during the meeting. Mr. Espiritu also explained his costing out of the proposal. The Council discussed offers and alternatives. Ald. Gallagher reported the public reaction to the Firefighters ad and the flyers they had been distributing.

MOTION: Ald. Wogen moved to recess the closed session until after the Regular meeting; seconded by Ald. Gallagher. Motion carried on voice vote. Mayor Povlsen recessed the session at 7:03 p.m.

Mayor Povlsen reconvened the session at 9:37 p.m.

Discussion continued on the Firefighter's final offer. Consensus was that the offer is not acceptable and that Council would like to see a counter offer that returns to a proposal similar to the offer that was rejected in June 2009. Chief Harrison reported on the cost of overtime and the difficulty in compelling a call-in. Mr. Espiritu summarized the modified June 30, 2009 proposed agreement.

ADJOURNMENT: Ald. Wogen moved to adjourn the closed session; seconded by Ald. Gallagher. Motion carried on voice vote. Mayor Povlsen declared the meeting adjourned at 10:10 p.m.

STEVE KAPITAN, City Clerk
Prepared by: **DIANE WRIGHT**, City Clerk

Minutes Approved: March 12, 2012
Released: December 13, 2021



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
August 17, 2009**

The City Council of DeKalb, Illinois, held a closed session on August 17, 2009 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Special City Council Meeting of the same day.

The closed session started at 8:13 p.m. Council members present: Mayor Povlsen, Ald. Teresinski, Ald. Wogen, Ald. Gallagher, Ald. Naylor, and Ald. Baker, and Ald. Keller. Absent: Ald. Simpson.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager, Norma Guess, City Attorney and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2 (c)(2)

Mr. Biernacki reviewed the IAFF ratified offer that reflects direction given by the City Council at the last closed session meeting. The Council discussed the proposal.

The Council also briefly discussed the potential for more retirement announcements before September 5, 2009.

ADJOURNMENT:

Ald. Gallagher moved to adjourn the closed session meeting; seconded by Ald. Baker. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 8:34 p.m.

STEVE KAPITAN, City Clerk

Prepared by: DIANE WRIGHT, City Clerk



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
August 24, 2009**

The City Council of DeKalb, Illinois, held a closed session on August 24, 2009 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:51 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. Bertrand Simpson, Ald. Tom Teresinski, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Brent Keller. Absent: Ald. Victor Wogen.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Bruce Harrison, Fire Chief; and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2 (c)(2):

Mr. Biernacki called for any questions about the IAFF side letter agreement.

Mayor Povlsen asked if any retirement letters had been received. Mr. Harrison stated there have not been any received as yet, but he expected some based on the incentive of the health care benefit.

MOTION

Ald. Gallagher moved to recess the session until after the Regular meeting; seconded by Ald. Keller. Motion carried on voice vote. Mayor Povlsen recessed the session at 7:00 p.m.

Mayor Povlsen reconvened the session at 9:44 p.m.

PURCHASE OF REAL PROPERTY 5 ILCS 120/2 (c)(5)

Mr. Biernacki reported on the property on Lincoln Highway, and the cost of remediation and appraisal at \$100,000.00 offer. He also stated that fill would cost \$50,000.00. Mr. Goering has offered to lease the property instead of the City purchasing the property. Ald. Naylor raised questions about the appraisal.

WORKER'S COMPENSATION 5 ILCS 120/2 (c)(12)

Ms. Guess reported that Brian Lange is currently out on a Worker's Compensation claim. He has offered to retire, either under the regular retirement plan or a duty disability pension. He offered to waive disability retirement in exchange for \$70,000.00. Council discussed those options.

Ald. Teresinski requested a current list of Worker's Compensation claims.

ADJOURNMENT:

Ald. Simpson moved to adjourn the closed session; seconded by Ald. Teresinski. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 10:14 p.m.

STEVE KAPITAN, City Clerk

Prepared by: DIANE WRIGHT, City Clerk

**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
SEPTEMBER 14, 2009**

The City Council of DeKalb, Illinois, held a closed session on September 14, 2009 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:24 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. Bertrand Simpson, Ald. Tom Teresinski, Ald. Victor Wogen, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Dawn Didier, Assistant City Attorney; and Steve Kapitan, City Clerk.

PURCHASE OF REAL PROPERTY 5 ILCS 120/2 (c)(5)

Mr. Biernacki explained the purchase of strips of land to connect the existing bike paths. He relayed to the City Council that Mr. Roger Chilton is requesting set concrete instead of asphalt and is also requesting that he receive a paid fence installed. Mr. Biernacki recommends offering him \$5,000.00 and suggested that the County may be approached for a share of the cost. Mr. Gallagher expressed concern about Mr. Chilton asking for additional money later.

Ald. Baker suggested that an appraisal be sought; he is concerned about the narrowing bike path. Ald. Gallagher also expressed concern about the narrowing bike path. Ms. Didier stated that if the City gets an appraisal on condemnation we have to offer it. Mr. Biernacki expressed concern about the possible delay in getting stimulus money.

Mr. Baker requested that an inventory of City owned properties be brought to a future Closed Session meeting.

WORKER'S COMPENSATION 5 ILCS 120/2 (c)(12)

Ms. Didier apprised the Council of a Firefighter/Paramedic who has an injured a shoulder. She stated it is a "legitimate work injury."

ADJOURNMENT

Ald. Simpson moved to adjourn the closed session; seconded by Ald. Keller. Motion carried on voice vote. Mayor Povlsen adjourned the closed session adjourned at 7:04 p.m.

STEVE KAPITAN, City Clerk

Prepared by: DIANE WRIGHT, Clerk

**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
SEPTEMBER 28, 2009**

The City Council of DeKalb, Illinois, held a closed session on September 28, 2009 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular meeting of the same day.

The closed session started at 8:49 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. Bertrand Simpson, Ald. Tom Teresinski, Ald. Victor Wogen, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Dawn Didier, Assistant City Attorney; and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2 (c)(2)

Phase out of the existing employee's retirement health insurance was discussed. Mr. Biernacki presented a chart of options that would have to be negotiated. Council discussed options of cutoffs for different levels of service. Ald. Teresinski asked for a more extensive cost analysis.

MOTION

Ald. Simpson moved to extend the meeting past 9:00 p.m.; seconded by Ald. Teresinski. Motion carried on a 6-1 voice vote with Ald. Baker dissenting. Mayor Povlsen declared the motion passed.

Ald. Keller asked for contribution dollars on an individual basis. Ms. Didier stated that we must take care not to violate the HIPPA laws. Council continued discussion on how many options they want the Actuary to analyze. It was suggested to research separation agreements and other data to identify the numbers.

WORKER'S COMPENSATION 5 ILCS 120/2 (c)(12) *(Released: July 9, 2018)* Mr. Biernacki summarized the spreadsheet of claims and potential future payouts. The City has no current reserves for Worker's Compensation, he said.

ADJOURNMENT Ald. Gallagher moved to adjourn the closed session; seconded by Ald. Naylor. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 9:31 p.m.

STEVE KAPITAN, City Clerk

Prepared by: **DIANE WRIGHT**, City Clerk

Minutes Approved: March 12, 2012

Partial Release: July 9, 2018 (Worker's Compensation)

Full Release: December 13, 2021



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
OCTOBER 12, 2009**

The City Council of DeKalb, Illinois, held a closed session on October 12, 2009 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:45 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. Bertrand Simpson, Ald. Tom Teresinski, Ald. Victor Wogen, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker, and Ald. Brent Keller.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney, Dawn Didier, Assistant City Attorney; Bruce Harrison, Fire Chief, Bill Feithen, Police Chief, Gary Spangler, Lt. Police Chief, Carl Leoni, Lt. Police Chief and Diane Wright, Deputy City Clerk.

PERSONNEL 5 ILCS 120/2 (c)(1):

Chief Feithen showed a video tape of a defendant arrested on October 7, 2009 with Officer Sullivan. Lt. Spangler and Leoni described the booking procedure events on the tape in which the defendant got out of his handcuffs and destroyed a good portion of the room. The estimated damage was \$12,000. Officer Sullivan sustained a lump on his head and some abrasions. The defendant was subdued with the assistance of two other officers. As a result of this event, Chief Feithen advised that two officers will now need to be present in the booking room.

MOTION

Ald. Keller moved to recess the session until after the Regular meeting; seconded by Ald. Wogen. Motion carried on voice vote. Mayor Povlsen recessed the session at 7:05 p.m.

Mayor Povlsen reconvened the session at 8:05 p.m.

Mr. Biernacki updated Council on a firefighter involved in an off-duty motorcycle accident in which he suffered some brain injuries and is currently on FMLA leave. This leave will end October 25 and he is requesting to return to work. His doctor placed conditions on his returning to work including retraining. Also, he said, it is clear the employee is not being released to full regular duties and therefore, the City has refused to allow him to return to work because he may not be able to meet the standards of employment as a paramedic. Mr. Biernacki added that the City may be receiving edited versions of his medical records. An additional issue, he added is that the employee's license was suspended for six months due to alcohol. He did receive an exemption to allow him to drive his employer's vehicle with restrictions imposed. The City would have to monitor these restrictions, he said.

Mr. Biernacki stated there is the issue of disciplinary action by the City; the Fire Chief has authority to suspend up to five days. The City has been in contact with his attorney, Mr. Biernacki said. Mr. Biernacki expressed concern that if the City brought him back to work without being aware of the extent of his injuries, the City may be liable. However, the City could be sued if it doesn't allow him to come back to work. Ms. Guess stated that the City will engage the Labor Attorney and will provide the employee with a letter giving the City authorization for his medical records.

Chief Harrison stated that staff believes the employee sustained a serious brain injury and will not

be fully healed for two years. Staff further believes that although the City could be sued for not allowing him to return to work, the City would be harming the public safety by allowing him to return.

Council discussed all options regarding this issue. Ms. Guess explained FMLA, disability and the City's potential liability. Chief Harrison advised that the Union was requested to join in the employee's defense, but they have not at this time.

Ms. Guess provided Council with an update of her personal medical condition. She advised that she would be out of the office for four weeks commencing October 26.

COLLECTIVE BARGAINING 5 ILCS 120/2 (c)(2): *(Released: July 9, 2018)*

Mr. Biernacki discussed the issue of phasing out employees' retirement health insurance benefits and effects on bona fide and non-bona fide employees. Mr. Biernacki provided several options for Council to consider; all were discussed by Council.

ADJOURNMENT:

Ald. Wogen moved to adjourn the closed session; seconded by Ald. Simpson. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 8:52 p.m.



Approved: March 12, 2012
Partial Release: July 9, 2018
Full Release: December 13, 2021

**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
OCTOBER 26, 2009**

The City Council of DeKalb, Illinois, held a closed session on October 26, 2009 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular City Council Meeting of the same day.

The closed session started at 9:30 p.m. Council members present: Mayor Povlsen, Ald. Simpson, Ald. Teresinski, Ald. Wogen, Ald. Gallagher, Ald. Naylor, and Ald. Baker and Ald. Keller.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager, Dawn Didier, Assistant City Attorney and Steve Kapitan, City Clerk.

LAND ACQUISITION 5 ILCS 120/2 (c)(5)

Mr. Biernacki informed the Council that the DeKalb Public Library is considering the purchase of the DeKalb Clinic building. The Library Board would like to work with the City to build on to the Senior Center, City Hall Annex and the clinic property to develop a City Hall/Library campus, allowing for the police station to take over the current City Hall.

Mr. Biernacki asked for Council direction on working with the Library as well as a partnership with Kishwaukee College for a land acquisition. Council consensus was to engage in discussion with the Library Board.

SALE OF REAL PROPERTY 5 ILCS 120/2 (c)(6)

Council reviewed the list of City owned property that could possibly be sold. Mayor Povlsen recommended the Council go through the list to see if there is a viable candidate for sale.

Council also reviewed a letter from CVS Pharmacy showing interest in buying the police property. CVS has offered \$1.7M for the property. Mr. Biernacki stated that twelve (12) months remain until the Letter of Credit needs to be converted to long term debt. Consensus was to refuse the CVS offer.

PERSONNEL 5 ILCS 120/2 (c)(1)

Mr. Biernacki apologized for the controversy over hiring Masonry Works; however, he still feels it was the right decision as there was no mal-intent. Mayor Povlsen concurred with Mr. Biernacki.

ADJOURNMENT

Ald. Keller moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Wogen. Motion carried on voice vote. Mayor Povlsen declared he closed session adjourned at 10:11 p.m.

STEVE KAPITAN, City Clerk

Prepared by: DIANE BRIGHT, City Clerk



**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
November 9, 2009**

The City Council of DeKalb, Illinois, held a closed session on November 9, 2009 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:22 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. Bertrand Simpson, Ald. Tom Teresinski, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker, and Ald. Brent Keller. Absent was Ald. Victor Wogen.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Dawn Didier, Assistant City Attorney; Joel Maurer, City Engineer; and Steve Kapitan, City Clerk.

PURCHASE OF REAL PROPERTY 5 ILCS 120/2 (c)(5):

Mr. Maurer reported on the possible purchase of a small parcel of property located at Normal Road and Dresser Road which is available for \$650. The property owner is concerned over who will clean snow from the sidewalk; Mr. Maurer reported that the Park District will plow. Negotiations are under way with Mr. Roger Chilton over the fence and bike path in front of Mr. Chilton's property.

PERSONNEL 5 ILCS 120/2 (c)(1):

Mr. Biernacki reported on a Firefighter who is currently on unpaid leave due to a head injury. He also noted that the IAFF Union is grieving the denial of light duty for this individual. City Council consensus was to continue the denial.

COLLECTIVE BARGAINING 5 ILCS 120/2 (c)(2):

The Council discussed bona fide and non-bona fide retiree dependent insurance. Mr. Espiritu distributed a current Retirement Dependent Costs Chart. He informed the Council that the unions suspect a five-year phase out of this benefit. Council discussed the Chart.

The question was asked if individual negotiations had occurred which brought up the five year phase out idea; Mr. Espiritu responded negatively. He also noted the possible threat of a grievance on the decision to phase-out non-bona fide retirees. Non-bona fide phase out will be presented at the November 16, 2009 Council meeting and a decision will be made at the November 23, 2009 meeting.

ADJOURNMENT:

Ald. Gallagher moved to adjourn the closed session; seconded by Ald. Teresinski. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 6:55 p.m.



STEVE KAPITAN, City Clerk
Prepared by: DEANE WRIGHT, City Clerk

**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
November 23, 2009**

The City Council of DeKalb, Illinois, held a closed session on November 23, 2009 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:32 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. Tom Teresinski, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker, and Ald. Brent Keller. Absent were Ald. Bertrand Simpson and Ald. Victor Wogen.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Dawn Didier, Assistant City Attorney, Police Chief Bill Feithen, and Steve Kapitan, City Clerk.

SALE OF REAL PROPERTY 5 ILCS 120/2 (c)(6):

Mr. Espiritu advised that the Library intends to buy the former DeKalb Clinic buildings. Council discussed potential options for City Hall buildings. They further discussed the City's obligations regarding levy on taxes.

ADJOURNMENT:

Ald. Keller moved to adjourn the closed session; seconded by Ald. Naylor. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 6:56 p.m.

STEVE KAPITAN, City Clerk

Prepared by: DIANE WRIGHT, City Clerk



Approved: March 12, 2012
Released: July 9, 2018

**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
November 23, 2009**

The City Council of DeKalb, Illinois, held a closed session on November 23, 2009 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular meeting of the same day.

The closed session started at 11:15 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. Tom Teresinski, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker, and Ald. Brent Keller. Absent were Ald. Bertrand Simpson and Ald. Victor Wogen.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Dawn Didier, Assistant City Attorney, and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2 (c)(2):

Mr. Biernacki asked that Council provide considerable direction for discussions with FOP. He advised Council that there may be need for future meetings.

ADJOURNMENT:

Ald. Teresinski moved to continue the closed session to Tuesday, November 24, 2009 at 5:00 p.m.; seconded by Ald. Naylor. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 11:25 p.m.



STEVE KAPITAN, City Clerk

Prepared by: DIANE WRIGHT, City Clerk

Approved: March 12, 2012
Released: July 9, 2018

**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
NOVEMBER 24, 2009
(Reconvened from November 23, 2009)**

The City Council of DeKalb, Illinois, held a closed session on November 24, 2009 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular meeting on November 23, 2009. Council continued the Closed Session of November 23, 2009 to November 24, 2009.

The closed session started at 5:10 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. Bertrand Simpson, Ald. Tom Teresinski, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker, and Ald. Brent Keller. Absent was Ald. Victor Wogen.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Dawn Didier, Assistant City Attorney, and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2 (c)(2):

Mr. Biernacki provided Council with a handout describing possible reductions in retiree benefits. Mr. Espiritu explained differences in bona fide and non-bona fide proposals. Council discussed the possibility of phasing out retiree health insurance benefits and establishing a plan pending the collective bargaining agreements. Mr. Biernacki explained options in approaching negotiations.

ADJOURNMENT:

Ald. Gallagher moved to adjourn the closed session; seconded by Ald. Keller. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 6:19 p.m.



STEVE KAPITAN, City Clerk

Prepared by: DLANE WRIGHT, City Clerk

Approved: March 12, 2012
Released: July 9, 2018

**MINUTES
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
DECEMBER 14, 2009**

The City Council of DeKalb, Illinois, held a closed session on December 14, 2009 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:36 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. Bertrand Simpson, Ald. Tom Teresinski, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker, and Ald. Brent Keller. Absent was Ald. Victor Wogen.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Bruce Harrison, Fire Chief; and Steve Kapitan, City Clerk.

PERSONNEL 5 ILCS 120/2 (c)(1):

Mr. Biernacki advised Council that Fire Fighter Travis was involved in an off-duty motorcycle accident. He is currently on leave without salary and benefits. Chief Harrison added that he is seeking light duty. Ms. Guess stated that Mr. Travis has a suspended license with an interlock on his personal vehicle. Staff recommends continuing him on unpaid administrative leave, and he has filed a grievance on this decision.

Ms. Guess stated that the City's request for medical records has gone unanswered since August. She added that the City needs the medical records before any consideration for termination.

PENDING LITIGATION 5 ILCS 120/2(c)(11): *(Released: July 9, 2018)*

Ms. Guess related an incident with Sean Harold, son of Nick Herald and described an incident with South Elgin Police who searched with permission of the grandmother residing at home. The City of DeKalb's Police stood by while South Elgin Police found weapons and bomb materials. Mr. Harold asserts that not all weapons were returned.

Ms. Guess advised Council that the trial is scheduled next week on Fire Fighter Ertl's termination from thirteen (13) years ago.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2): *(Released: July 9, 2018)*

Mr. Biernacki requested that Council provide direction in approaching negotiations with FOP and asked if they would like a meeting scheduled with FOP representation. Ald. Baker stated his focus is to cut costs while keeping as many employees as possible.

ADJOURNMENT:

Ald. Teresinski moved to adjourn the closed session; seconded by Ald. Naylor. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 6:59 p.m.

STEVE KAPITAN, City Clerk

Prepared by: DIANE WRIGHT, City Clerk





EXECUTIVE-CLOSED SESSION MINUTES INDEX

2010		Recommendation for Release	
		Yes	No
January 11, 2010 (COW) Approved: March 26, 2012	Collective Bargaining	Released: July 9, 2018	
	Personnel	Released: July 8, 2019	
January 11, 2010 (Regular) Approved: March 26, 2012	Land Acquisition Pending Litigation Worker's Compensation	Released: July 9, 2018	
January 25, 2010 (Regular) Approved: March 26, 2012	Collective Bargaining Purchase of Real Property Sale or Lease of Real Property	Released: July 9, 2018	
February 8, 2010 (COW) Approved: March 26, 2012	Collective Bargaining	Released: July 9, 2018	
	Personnel	Released: July 8, 2019	
February 8, 2010 (Regular) Approved: March 26, 2012	Personnel	Released: July 8, 2019	
February 22, 2010 (COW) Approved: March 26, 2012	Land Acquisition	Released: July 9, 2018	
	Personnel		
February 22, 2010 (Regular) Approved: March 26, 2012	Personnel	Released: July 9, 2018	
March 1, 2010 (Special) Approved: March 26, 2012	Personnel	Released: July 9, 2018	
March 8, 2010 (Regular) Approved: March 26, 2012	Imminent Litigation	X	
	Land Acquisition	Released: July 9, 2018	
	Personnel	X	
March 22, 2010 (Regular) Approved: March 26, 2012	Personnel	Released: July 8, 2019	
April 5, 2010 (Special) Approved: March 26, 2012	Personnel	Released: July 9, 2018	
April 12, 2010 (COW) Approved: March 26, 2012	Collective Bargaining	Released: July 8, 2019	
	Purchase of Real Property	Released: July 9, 2018	
May 3, 2010 (Special) Approved: March 26, 2012	Collective Bargaining	Released: July 9, 2018	
May 4, 2010 (Special) Approved: March 26, 2012	Collective Bargaining Imminent Litigation Personnel	Released: July 9, 2018	
May 10, 2010 (Regular) Approved: March 26, 2012	Collective Bargaining Land Acquisition Personnel	Released: July 9, 2018	
May 24, 2010 (Regular) Approved: March 26, 2012	Collective Bargaining Personnel	Released: July 9, 2018	
June 14, 2010 (COW) Approved: March 26, 2012	Collective Bargaining Personnel	Released: July 9, 2018	



EXECUTIVE-CLOSED SESSION MINUTES INDEX

2010		Recommendation for Release	
		Yes	No
June 14, 2010 (Regular) Approved: March 26, 2012	Collective Bargaining Personnel	Released: July 9, 2018	
June 28, 2010 (COW) Approved: March 26, 2012	Collective Bargaining	X	
	Pending Litigation	Released: July 9, 2018	
	Sale or Lease of Real Property Owned by the Public Body	Released: July 9, 2018	
July 12, 2010 (COW) Approved: March 26, 2012	Collective Bargaining	Released: July 8, 2019	
	Purchase of Real Property	Released: July 9, 2018	
July 12, 2010 (Regular) Approved: March 26, 2012	Collective Bargaining Sale of Real Property	Released: July 9, 2018	
July 26, 2010 (COW) Approved: March 26, 2012	Worker's Compensation	Released: July 9, 2018	
August 9, 2010 (COW) Approved: March 26, 2012	Security Procedures	Released: July 9, 2018	
August 9, 2010 (Regular) Approved: March 26, 2012	Pending Litigation	Released: July 9, 2018	
August 23, 2010 (COW) Approved: March 26, 2012	Sale or Lease of Property	Released: July 8, 2019	
August 23, 2010 (Regular) Approved: March 26, 2012	Closed Session Minutes Discussion	Released: July 9, 2018	
	Collective Bargaining	Released: July 8, 2019	
	Personnel	Released: July 8, 2019	
	Sale or Lease of Property	Released: March 22, 2021	
	Security Procedures		
September 13, 2010 (Regular) Approved: March 26, 2012	Collective Bargaining	Released: July 9, 2018	
	Personnel	Released: July 8, 2019	
	Sale or Lease of Property	Released: July 9, 2018	
	Worker's Compensation	Released: July 9, 2018	
October 11, 2010 (COW) Approved: March 26, 2012	Collective Bargaining	X	
	Pending Litigation	Released: July 9, 2018	
	Personnel	Released: July 8, 2019	
	Risk Management	Released: July 9, 2018	
October 25, 2010 (COW) Approved: March 26, 2012	Collective Bargaining	Released: July 8, 2019	
	Sale or Lease of Property	Released: July 9, 2018	
	Worker's Compensation	Released: July 9, 2018	
October 25, 2010 (Regular) Approved: March 26, 2012	Closed Session Minutes Discussion	Released: July 9, 2018	
	Collective Bargaining	Released: July 8, 2019	
	Sale or Lease of Property	Released: July 9, 2018	



EXECUTIVE-CLOSED SESSION MINUTES INDEX

2010		Recommendation for Release	
		Yes	No
November 8, 2010 (COW) Approved: March 26, 2012	Collective Bargaining	Released: July 8, 2019	
	Personnel	Released: July 9, 2018	
	Purchase or Lease of Real Property	Released: July 9, 2018	
November 8, 2010 (Regular) Approved: March 26, 2012 Audio Destroyed: March 15, 2019	Collective Bargaining Worker's Compensation	Released: July 9, 2018	
November 22, 2010 (COW) Approved: March 26, 2012	Closed Session Minutes Discussion Personnel	Released: July 9, 2018	
November 22, 2010 (Regular) Approved: March 26, 2012	Collective Bargaining	Released: July 8, 2019	
	Personnel	Released: July 9, 2018	
December 13, 2010 (COW) Approved: March 26, 2012	Personnel Purchase of Real Property	Released: July 9, 2018	
December 13, 2010 (Regular) Approved: March 26, 2012	Collective Bargaining	Released: July 8, 2019	
	Personnel	Released: July 9, 2018	

Audio recordings of the 2010 Executive Session meetings destroyed August 9, 2019, as per Resolution 2019-110.

**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
CLOSED SESSION OF CITY COUNCIL
JANUARY 11, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on Monday January 11, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 6:38 p.m. Present: Mayor Povlsen, Alderman Simpson, Alderman Teresinski, Alderman Gallagher, Alderman Naylor, Alderman Baker and Alderman Keller.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager, Norma Guess, City Attorney, Bruce Harrison, Fire Chief and Steve Kapitan, City Clerk.

PERSONNEL 5 ILCS 120/2(c)(2) *(Released: July 8, 2019)*

Mr. Biernacki apprised Council of a Fire Fighter who was involved in an off-duty motorcycle accident. Chief Harrison added that he suffered a traumatic head injury; light duty is not an option. Ms. Guess stated that if the City could consider an examination by a doctor provided by the City to determine his capacity to return to work. If he is deemed incapable, she added, the City should terminate him. Also, she said, his unpaid leave expires January 23.

COLLECTIVE BARGAINING 5 ILCS 120/2 (c)(2) *(Released: July 9, 2018)*

Mr. Espiritu outlined the status of negotiations with AFSCME.

ADJOURNMENT

Alderman Simpson moved to adjourn the closed session of the Committee of the Whole Meeting; seconded by Alderman Baker. Motion carried on voice vote. The closed session adjourned at 6:50 p.m.

Approved: March 26, 2012
Partial Release: July 9, 2018
Full Release: July 8, 2019

DIANE K. WRIGHT, Deputy City Clerk



**MINUTES
CITY OF DEKALB
REGULAR
CLOSED SESSION OF CITY COUNCIL
JANUARY 11, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday January 11, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 7:44 p.m. Present: Mayor Povlsen, Ald. Simpson, Ald. Teresinski, Ald. Gallagher, Ald. Naylor, Ald. Baker and Ald. Keller.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager, Norma Guess, City Attorney, Dawn Didier, Assistant City Attorney, Bruce Harrison, Fire Chief and Steve Kapitan, City Clerk.

LAND ACQUISITION 120/2(c)(11)

Mr. Biernacki discussed the possible acquisition of the old DeKalb Clinic buildings by the Library. Council discussed the potential of those buildings and the Annex buildings as it relates to relocation of the Police Station and City Hall renovations. Also discussed was the issue of keeping the Library in the downtown area or expanding elsewhere. Ald. Teresinski suggested that the City assess the financial impact on TIF before any decisions are made.

WORKER'S COMPENSATION 5 ILCS 120/2(c)(12)

Ms. Didier provided a report on a Street Department employee with an injured shoulder; \$40,000 settlement is recommended. Consensus of Council was to offer the low-end recommendation. Ms. Didier gave an update to Council on a telecommunicator's claim. She stated that the arbitrator ruled in favor of the employee for a \$95,000 settlement. Council provided direction to continue with an appeal.

PENDING LITIGATION 5 ILCS 120/2(c)(11)

Ms. Guess advised Council that a ruling is due on the Ertl case by the end of January on the City's motion. She predicted the judge will rule for a \$150,000 settlement.

ADJOURNMENT

Ald. Simpson moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Naylor. Motion carried on voice vote. The closed session adjourned at 8:38 p.m.

**DIANE K. WRIGHT, Deputy City Clerk
(for Steve Kapitan, City Clerk)**



**MINUTES
CITY OF DEKALB
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
JANUARY 25, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday January 25, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 9:06 p.m. Present: Mayor Povlsen, Ald. Teresinski, Ald. Gallagher, Ald. Naylor, and Ald. Baker. Absent were Ald. Simpson and Ald. Keller.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager, Norma Guess, City Attorney, Rick Monas, Public Works Director and Steve Kapitan, City Clerk.

PURCHASE OF REAL PROPERTY 5 ILCS 120/2(c)(5)

Mr. Monas discussed the DeKalb Clinic complex as a possibility for City buildings. Mr. Biernacki presented options for Council consideration: 1) build an extension on the existing City Hall building; 2) use a (Shodeen) West Lincoln plan for a building with City Administration on the upper level of a multi-story commercial building. Council discussed options along with relocation of the Police Station.

SALE OR LEASE OF REAL PROPERTY 5 ILCS 120/2(c)(6)

Mr. Biernacki reviewed City-owned properties as potential candidates for development. Council discussed the properties and options.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2)

Mr. Espiritu provided a draft proposal regarding FOP.

ADJOURNMENT

Ald. Simpson moved to adjourn the closed session of the Committee of the Whole Meeting; seconded by Ald. Naylor. Motion carried on voice vote. The closed session adjourned at 10:14 p.m.

DIANE K. WRIGHT, Deputy City Clerk
(for Steve Kapitan, City Clerk)



**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
CLOSED SESSION OF CITY COUNCIL
FEBRUARY 8, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on Monday February 8, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 6:09 p.m. Present: Mayor Povlsen, Ald. Simpson, Ald. Teresinski, Ald. Verbic, Ald. Gallagher, Ald. Naylor, Ald. Baker and Ald. Keller.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager, Norma Guess, City Attorney, Bruce Harrison, Fire Chief and Steve Kapitan, City Clerk.

PERSONNEL 5 ILCS 120/2(c)(1) *(Released: July 8, 2019)*

Mr. Biernacki and Ms. Guess provided an overview of Fire Fighter Carr who is on unpaid leave.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2) *(Released: July 9, 2018)*

Mr. Espiritu reported on the status of negotiations with FOP. Mr. Biernacki discussed potential negotiations regarding health insurance and effects on the City's budget.

ADJOURNMENT

Ald. Naylor moved to adjourn the closed session of the Committee of the Whole Meeting; seconded by Ald. Gallagher. Motion carried on voice vote. The closed session adjourned at 6:54 p.m.

DIANE K. WRIGHT, Deputy City Clerk
(for Steve Kapitan, City Clerk)

The seal of the City of DeKalb, Illinois, is a circular emblem. It features a central shield with a plow and a sheaf of wheat, symbolizing agriculture. The shield is surrounded by a wreath. The words "CITY OF DEKALB" are inscribed in a circle around the top, and "STATE OF ILLINOIS" around the bottom. The year "1831" is at the very bottom.

Approved: March 26, 2012
Partial Release: July 9, 2018
Full Release: July 8, 2019

**MINUTES
CITY OF DEKALB
REGULAR
CLOSED SESSION OF CITY COUNCIL
FEBRUARY 8, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday February 8, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 9:05 p.m. Present: Mayor Povlsen, Ald. Simpson, Ald. Teresinski, Ald. Verbic, Ald. Gallagher, Ald. Naylor, Ald. Baker and Ald. Keller.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager, Norma Guess, City Attorney, and Steve Kapitan, City Clerk.

PERSONNEL 5 ILCS 120/2(c)(1)

Mr. Biernacki summarized potential layoffs that will be presented to Council. He noted that 27 positions will be recommended to be eliminated from AFSCME and management, with no reductions to Police and Fire. He advised that an early retirement offer was presented to 12 staff members. He summarized the reduction in force options.

Mr. Biernacki stated that his evaluation is due and summarized the process for Council. Mayor Povlsen asked that Council return their completed evaluation forms by February 12th.

ADJOURNMENT

Ald. Gallagher moved to adjourn the closed session of the Regular Meeting, seconded by Ald. Simpson. Motion carried on voice vote. The closed session adjourned at 10:14 p.m.

DIANE K. WRIGHT, Deputy City Clerk
(for Steve Kapitan, City Clerk)



Approved: March 26, 2012

Released: July 8, 2019

**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
CLOSED SESSION OF CITY COUNCIL
FEBRUARY 22, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on Monday February 22, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 6:03 p.m. Present: Mayor Povlsen, Ald. Simpson, Ald. Teresinski, Ald. Verbic, Ald. Gallagher, Ald. Naylor, Ald. Baker (arrived at 6:12 p.m.) and Ald. Keller.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager, Norma Guess, City Attorney, Ted Kozinski, Comptroller/Treasurer and Steve Kapitan, City Clerk.

LAND ACQUISITION 5 ILCS 120/2(c)(5)

Mr. Biernacki provided Council with options regarding the relocation of the Police Station and possible City Hall renovation.

Ald. Baker arrived at 6:12 p.m.

Also discussed was the possible acquisition by the Library of the former DeKalb Clinic site.

PERSONNEL 5 ILCS 120/2(c)(1)

Mr. Biernacki outlined the budget projections and alternatives for balancing the budget as it relates to possible layoffs. Mr. Kozinski explained the debt financing of the Voluntary Reduction in Force and Reduction in Force programs. He noted that the term for the bond covering these costs would be 10-12 years but would place the City in a deficit of \$800,000 this year.

ADJOURNMENT:

Ald. Teresinski moved to adjourn the closed session of the Committee of the Whole Meeting; seconded by Ald. Naylor. Motion carried on voice vote. The closed session adjourned at 6:55 p.m.

DIANE K. WRIGHT Deputy City Clerk



**MINUTES
CITY OF DEKALB
REGULAR
CLOSED SESSION OF CITY COUNCIL
FEBRUARY 22, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday February 22, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 8:15 p.m. Present: Mayor Povlsen, Ald. Simpson, Ald. Teresinski, Ald. Verbic, Ald. Gallagher, Ald. Naylor, Ald. Baker and Ald. Keller.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager, Norma Guess, City Attorney, Ted Kozinski, Comptroller/Treasurer and Steve Kapitan, City Clerk.

PERSONNEL 5 ILCS 120/2(c)(1)

Discussion continued from Closed Session during Committee of the Whole Meeting regarding Voluntary Reduction in Force and Reduction in Force. Mr. Kozinski explained a handout outlining potential costs to the City. He noted that pension costs to the City are increasing 10% each year. Council discussed options along with a 12% wage cut for all staff.

MOTION TO EXTEND MEETING

At 8:55 p.m., Ald. Baker moved to extend the meeting past 9:00 p.m.; seconded by Ald. Naylor. Motion carried on voice vote. Mayor Povlsen declared the motion passed.

Mayor Povlsen called for a recess at 8:55 p.m. The meeting reconvened at 9:00 p.m.

PERSONNEL 5 ILCS 120/2(c)(1) (Continued)

Council continued discussion on layoffs along with potential organizational consequences.

ADJOURNMENT

Ald. Simpson moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Gallagher. Motion carried on voice vote. The closed session adjourned at 9:39 p.m.

**DIANE K. WRIGHT, Deputy City Clerk
(for Steve Kapitan, City Clerk)**



**MINUTES
CITY OF DEKALB
SPECIAL
CLOSED SESSION OF CITY COUNCIL
MARCH 1, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Special Meeting on Monday March 1, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Special Meeting of the same day.

The closed session started at 7:06 p.m. Present: Mayor Povlsen, Ald. Teresinski, Ald. Verbic, Ald. Gallagher, Ald. Naylor, Ald. Baker and Ald. Keller. Absent was Ald. Simpson.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager, Norma Guess, City Attorney, Ted Kozinski, Comptroller/Treasurer and Steve Kapitan, City Clerk.

PERSONNEL 5 ILCS 120/2(c)(1)

Mr. Biernacki discussed Tier One vs. Tier Two regarding possible layoffs. He noted that Police and Fire are in Tier Two with no possible layoffs. Ald. Teresinski commented that the City's structural deficit hasn't been addressed and Council needs to attend to this for the future. Council asked for further clarification regarding employees that may be laid off. Mr. Biernacki replied that all employees are being considered, with the exception now of Police and Fire; AFSCME and Management will be considered first.

Mr. Biernacki discussed reduction in hours for AFSCME which would only reduce the number of employees affected by RIF. Ald. Teresinski stated that reducing hours doesn't address restructuring.

Mr. Kozinski handed out a summary of potential RIF; Council discussed the options. Additionally, Mr. Kozinski offered a debt refinancing option to restructure the current debt to twenty years and build a Police Station.

ADJOURNMENT

Ald. Naylor moved to adjourn the closed session of the Special Meeting; seconded by Ald. Gallagher. Motion carried on voice vote. The closed session adjourned at 8:57 p.m.

DIANE K. WRIGHT, Deputy City Clerk
(for Steve Kapitan, City Clerk)



**MINUTES
CITY OF DEKALB
REGULAR
CLOSED SESSION OF CITY COUNCIL
MARCH 8, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, March 8, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 7:58 p.m. Present: Mayor Povlsen, Ald. Teresinski, Ald. Verbic, Ald. Gallagher, Ald. Naylor, Ald. Baker and Ald. Kammes. Absent was Ald. Simpson.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager, Norma Guess, City Attorney, Ted Kozinski, Comptroller/Treasurer Joel Maurer, City Engineer, Sue Guio, CDBG Coordinator and Steve Kapitan, City Clerk.

LAND ACQUISITION ILCS 120/2(c)(5) (Released: July 9, 2018)

Mr. Biernacki referred to an appraisal of \$820,000 regarding buy-out of properties in the flood area. He advised that one owner has opted out of the buy-out. Council consensus was to approve the buy-out and to note the non-participation of the owner who chose to opt out for information in future buy-outs.

Ms. Guio left the room.

Mr. Biernacki apprised Council of some requests made by Roger Chilton on his property. After discussion, consensus of Council was to make a final offer; then pursue eminent domain.

PERSONNEL 5 ILCS 120/2(c)(1)

Mr. Kozinski explained the new handout on Voluntary Reduction in Force (VRI) and Reduction in Force (RIF). Council discussed the issue of paying AFSCME employees for six months after being laid off and possible criticism. Mr. Biernacki stated that there is the possibility that some employees who are voluntarily leaving could stay on for some time to assist with the reorganization; he added that those laid off would not be staying on.

MOTION

At 8:52 p.m. Ald. Teresinski moved to extend the meeting past 9:00 p.m. Motion carried on voice vote. Mayor Povlsen declared the motion passed.

Mr. Biernacki summarized for Council the dates for implementation of the VRI/RIF. He added that he will advise the few management staff affected that if they do not take the VRI, they will be part of the RIF. Council agreed on the VRI/RIF implementation.

IMMINENT LITIGATION 5 ILCS 120/2(c)(11)

Ms. Guess advised Council that Mr. Ertl will be placed on administrative leave immediately upon his return to the City. Mr. Biernacki advised Council that the Fire Fighter who passed the neurological test will return to restricted duty. He added that after two weeks the City will invoke "discipline" with random testing.

Mr. Biernacki advised Council that a newly hired Fire Fighter experienced a seizure off-duty. He added that testing will be performed to determine the severity, and if he can return to work.

Mr. Biernacki stated that the rehired Fire Fighter per contract side letter has now quit. Staff's position is that not replacing him falls under the attrition policy.

Mr. Biernacki advised Council that a Public Works employee (water meter reader) was arrested for shoplifting. He is on administrative leave (using vacation time). Ms. Guess explained the option to terminate him because of the concern of placing him inside citizens' homes and businesses.

Mr. Biernacki advised that Larry Thomas of Public Works was arrested for a DUI. He must maintain his CDL license in order to perform his job. He faces a minimum of a one-year suspended license. Staff is considering termination. However, he is close to retirement and he could be placed in a position at the Airport (not requiring a CDL license), Mr. Biernacki added.

Mayor Povlsen stated that Mr. Biernacki's evaluation forms are complete and returned to Human Resources.

ADJOURNMENT

Ald. Naylor moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Verbic. Motion carried on voice vote. The closed session adjourned at 9:52 p.m.

DIANE K. WRIGHT, Deputy City Clerk
(for Steve Kapitan, City Clerk)



**MINUTES
CITY OF DEKALB
REGULAR
CLOSED SESSION OF CITY COUNCIL
MARCH 22, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday March 22, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 8:27 p.m. Present: Mayor Povlsen, Ald. Simpson, Ald. Teresinski, Ald. Verbic, Ald. Gallagher, Ald. Naylor, Ald. Baker and Ald. Kammes.

Also present were: Mark Biernacki, City Manager, Norma Guess, City Attorney, Ted Kozinski, Comptroller/Treasurer and Steve Kapitan, City Clerk.

PERSONNEL 5 ILCS 120/2(c)(1)

Mr. Kozinski explained the cost comparisons with VSP and RIF.

MOTION TO EXTEND MEETING

At 8:52 p.m., Ald. Simpson moved to extend the meeting past 9:00 p.m.; seconded by Ald. Baker. Motion carried on voice vote. Mayor Povlsen declared the motion passed.

At 9:00 p.m., Mr. Kozinski left the meeting.

PERSONNEL 5 ILCS 120/2(c)(1) (Continued)

Mr. Biernacki described suggested changes to Chapter 3 employees. He noted that revisions would include insurance deductibles with the plan structured to be consistent with the EPI Report (which is based on comparable cities). Council asked Mr. Biernacki to look at comparable cities' health insurance plans. Mr. Biernacki asked Council to consider a one-year deferral of raising the employees' premiums from 15% to 20%. Council discussed this but came to no consensus. Council further discussed the possibility of phasing out insurance coverage for retirees.

ADJOURNMENT

Ald. Simpson moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Kammes. Motion carried on voice vote. The closed session adjourned at 9:51 p.m.

DIANE K. WRIGHT, Deputy City Clerk
(for Steve Kapitan, City Clerk)



**MINUTES
CITY OF DEKALB
SPECIAL
CLOSED SESSION OF CITY COUNCIL
APRIL 5, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Special Meeting on Tuesday, April 5, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Special Meeting of the same day.

The closed session started at 5:53 p.m. Present: Mayor Povlsen, Ald. Simpson (arrived at 5:54 p.m.), Ald. Teresinski, Ald. Verbic, Ald. Gallagher, Ald. Naylor, Ald. Baker, and Ald. Kammes.

Also present were: Mark Biernacki, City Manager, Norma Guess, City Attorney, and Steve Kapitan, City Clerk.

PERSONNEL 5 ILCS 120/2(c)(1)

Mr. Biernacki's evaluation was discussed. Mr. Biernacki addressed Council regarding the scores received on his evaluation. He noted that there are areas that are inaccurate and asked why he was scored lower than last year.

Mr. Biernacki left the room at 5:59 p.m.

Ald. Baker stated that Ms. Guess should leave the room also. Ms. Guess stated that as the City Attorney, she would remain.

Items discussed were that Council is not given adequate time to evaluate material and concern was raised about lack of communication. Additionally, it was stated that projects submitted to Washington was done without Council input. Concern was raised that Mr. Biernacki may be an advocate for the staff rather than the City. Ald. Gallagher suggested that Council receive weekly e-mail updates. Additionally, it was mentioned that Council receive more advance notice and updates on projects.

Discussion was brought up regarding termination of Mr. Biernacki's contract. Mayor Povlsen stated that unless there is a consensus for termination, the issue is not appropriate at this time.

Ms. Guess left the room to retrieve Mr. Biernacki's contract and returned at 6:32 p.m.

Ald. Gallagher suggested another review in six months and consideration in one year regarding Mr. Biernacki's retention.

Ald. Baker stated that the Reduction in Force (RIF) should have been done last year.

Ald. Simpson noted that Council agreed to Mr. Biernacki's recommendations regarding implementation of certain items on the EPI report, and Council was not "tricked."

Council commented that Mr. Biernacki needs to get out in the departments rather than relying entirely on department heads.

Mr. Biernacki returned to the meeting at 7:07 p.m.

Mr. Biernacki responded to Council comments on his evaluation and stated that other communities in similar circumstances also enacted a Voluntary Separation Program (VSP).

Communication issues were discussed. Mr. Biernacki expressed concern about receiving clear direction from Council. He added that Council should give management flexibility to negotiate deals based on the strategic goals.

Mr. Biernacki asked Council to remove certain items if there is not a majority since his evaluation can be requested through a FOIA.

ADJOURNMENT

Ald. Simpson moved to adjourn the closed session of the Special Meeting; seconded by Ald. Naylor. Motion carried on voice vote. The closed session adjourned at 8:04 p.m.

Approved: March 26, 2012
Released: July 9, 2018

DIANE K. WRIGHT, Deputy City Clerk
(for Steve Kapitan, City Clerk)



**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
CLOSED SESSION OF CITY COUNCIL
APRIL 12, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on Monday April 12, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 6:23 p.m. Present: Mayor Povlsen, Ald. Simpson, Ald. Teresinski, Ald. Verbic, Ald. Gallagher, Ald. Baker and Ald. Kammes. Absent was Ald. Naylor.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager, Norma Guess, City Attorney, Rick Monas, Public Works Director, Tom Cleveland, Assistant Public Works Director - Airport and Steve Kapitan, City Clerk.

PURCHASE OF REAL PROPERTY 5 ILCS 120/2(c)(5) (Released: July 9, 2018)

Mr. Cleveland explained to Council a potential residential property acquisition at the Airport. Council discussed the purchase along with renting the property back to the seller.

Mr. Cleveland and Mr. Monas left the meeting at 6:32 p.m.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2) (Released: July 8, 2019)

Council discussed potential negotiations with FOP. Mr. Biernacki suggested that Council may wish to settle with management prior to any arbitration with FOP. Additionally, Council discussed insurance costs with regard to negotiations.

ADJOURNMENT

Ald. Simpson moved to adjourn the closed session of the Committee of the Whole Meeting; seconded by Ald. Kammes. Motion carried on voice vote. The closed session adjourned at 6:56 p.m.

Approved: March 26, 2012
Partial Release: July 9, 2018
Full Release: July 8, 2019

DIANE K. WRIGHT, Deputy City Clerk
(for Steve Kapitan, City Clerk)



**MINUTES
CITY OF DEKALB
SPECIAL
CLOSED SESSION OF CITY COUNCIL
MAY 3, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Special Meeting on May 3, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Special Meeting of the same day.

The closed session started at 7:22 p.m. Present: Mayor Povlsen, Ald. Simpson, Ald. Teresinski, Ald. Verbic, Ald. Gallagher, Ald. Naylor, Ald. Baker and Ald. Kammes.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager, Norma Guess, City Attorney, and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)2)

Mr. Biernacki updated Council on the Voluntary Separation Program (VSP) status. He added that Rick Monas, Public Works Director has decided to choose the VSP. Mr. Biernacki recommended that the Public Works Director position be maintained and added that Mr. Monas has agreed to stay on until his replacement is hired. Council agreed with Mr. Biernacki.

Mr. Biernacki provided an update of other positions: The IT Director took the VSP and his position will be replaced internally; the Assistant IT Director and one IT Technician will be part of the Reduction in Force (RIF). Mr. Biernacki advised Council that GIS may need to be outsourced and the Engineering Division is down to two staff persons. The Building Inspectors are reduced from five to three and two Account Techs will be part of the RIF. There are a total of eight Office Associates and three management employees who will be part of the RIF, he said. Mr. Biernacki discussed two positions in the reorganization: Planning and Economic Development Manager, Finance/Purchasing Manager.

Mr. Biernacki stated that there will be 25 net separations which equal a 12% wage reduction across the board. Council discussed Police staffing levels. Additionally, they discussed the Economic Development Manager's position and stated that the City needs to examine its layers of requirements that have discouraged developers. Also, Council discussed combining the Water and Streets Divisions and combining Building and Engineering.

Mr. Biernacki discussed a three-tier plan option for insurance during negotiations. Also, he said, the Labor Consultant advised that the City should let FOP make the first offer and added that the list of "cuts" is aggressive.

ADJOURNMENT

Ald. Baker moved to adjourn the closed session of the Special Meeting; seconded by Ald. Teresinski. Motion carried on voice vote. The closed session adjourned at 8:53 p.m.

DIANE K. WRIGHT, Deputy City Clerk
(for Steve Kaplan, City Clerk)



Approved: March 26, 2012
Released: July 9, 2018

**MINUTES
CITY OF DEKALB
SPECIAL
CLOSED SESSION OF CITY COUNCIL
MAY 4, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Special Meeting on May 4, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Special Meeting of the same day.

The closed session started at 7:29 p.m. Present: Mayor Povlsen, Ald. Simpson, Ald. Teresinski, Ald. Verbic, Ald. Gallagher, Ald. Naylor, Ald. Baker and Ald. Kammes.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager, Norma Guess, City Attorney, Bill Feithen, Police Chief, and Steve Kapitan, City Clerk.

PERSONNEL 5 ILCS 120/2(c)(1)

Mr. Biernacki discussed layoffs following the Voluntary Separation Program (VSP). Additionally, he addressed Police staffing. Chief Feithen noted that a Community Service Officer was not earlier replaced. He asked that six full-time be hired (2.5 employees in Phase I and 3.5 employees in Phase II). Mr. Biernacki stated that a Reduction in Force (RIF) may need to take place elsewhere in order to add Police Officers. He noted that the Streets and Water Divisions may be an option.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2)

Negotiating options for FOP were discussed. Council discussed reduction of management staffing in Police and Fire for consideration.

Chief Feithen left the meeting at 8:12 p.m.

PERSONNEL 5 ILCS 120/2(c)(1)

Council discussed restructuring and the consensus was to keep the Economic Development Director as a possibility but consider this at mid-year. Additionally, they agreed to add two staff persons to RIF from Street and Water and hire two Police Officers in June.

Council discussed phase-out of existing employees' retirement health benefits. Mr. Biernacki provided a chart and stated that rolling out a phase-out with management first allows for credibility going into labor negotiations.

IMMINENT LITIGATION 5 ILCS 120/2(c)(11)

Mr. Biernacki noted that efflorescence is not a defect in bricks and the problem appears to be in the salting practices. He added that a sealer may solve the problem at a cost of \$9,000. He discussed looking at the Hitchcock Group for liability on this or another responsible party.

ADJOURNMENT

Ald. Kammes moved to adjourn the closed session of the Special Meeting; seconded by Ald. Teresinski. Motion carried on voice vote. The closed session adjourned at 9:05 p.m.

DIANE K. WRIGHT, Deputy City Clerk
(for Steve Kapitan, City Clerk)



Approved: March 26, 2012
Released: July 9, 2018

**MINUTES
CITY OF DEKALB
REGULAR
CLOSED SESSION OF CITY COUNCIL
MAY 10, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, May 10, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 9:44 p.m. Present: Mayor Povlsen, Ald. Simpson, Ald. Teresinski, Ald. Verbic, Ald. Gallagher, Ald. Naylor, Ald. Baker and Ald. Kammes.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager, Norma Guess, City Attorney, Bruce Harrison, Fire Chief, and Steve Kapitan, City Clerk.

PERSONNEL 5 ILCS 120/2(c)(1)

Ms. Guess stated that she asked for an affirmation of termination from the Board of Police and Fire regarding Mr. Ertl. Additionally, she advised that the City was served with a Temporary Restraining Order before he was hired back citing that the time has expired. She provided Council with the process that the TRO was issued.

Chief Harrison left the room at 9:49 p.m.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2)

Mr. Biernacki advised that he met with AFSCME employees and shared the layoff lists. He noted that the AFSCME attorney was surprised that the City would pay employees for six months after the layoffs.

LAND ACQUISITION 5 ILCS 120/2(c)(5)

Mr. Biernacki discussed the possible land swap at Dresser and Annie Glidden. Also, he stated that there may be a potential facade from the Goehrings for a 20 ft land easement.

ADJOURNMENT

Ald. Simpson moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Baker. Motion carried on voice vote. The closed session adjourned at 10:28 p.m.

DIANE K. WRIGHT Deputy City Clerk
(for Steve Kapitan, City Clerk)



Approved: March 26, 2012
Released: July 9, 2018

**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
CLOSED SESSION OF CITY COUNCIL
MAY 24, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on Monday May 24, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

Present: Mayor Povlsen, Ald. Simpson, Ald. Teresinski, Ald. Verbic, Ald. Gallagher, Ald. Naylor, Ald. Baker and Ald. Kammes

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager, Norma Guess, City Attorney and Diane Wright, Deputy City Clerk

PERSONNEL 5 ILCS 120/2(c)(2)

Mr. Biernacki stated that creating a 3-tier plan for management and developing a system to phase out retirees' health insurance premiums is taking quite a bit of time. He realized it is the desire of Council to get it done prior to other negotiations. Mr. Biernacki advised that at the June 14 meeting he will have the management pay plan on the agenda which will include the EPI recommendations.

Mr. Biernacki next discussed restructuring debt. Since the City isn't getting agreement to salary cuts, there may be off 25-30 people affected by layoffs. The payouts will come to \$1.2-\$1.3 million, he said. If the City stretches the GO debt out, we can forego \$1.4 million and pay the payouts, he said. He said he is still proceeding with that and wants to make sure everyone is on board since he will bring the item back to council with the revised budget.

COLLECTIVE BARGAINING 5 ILCS 120/2 (c)(2)

Mr. Espiritu outlined the status of negotiations with AFSCME.

ADJOURNMENT

Ald. Simpson moved to adjourn the closed session of the Committee of the Whole Meeting; seconded by Ald. Baker. Motion carried on voice vote. The closed session adjourned at 6:50 p.m.

DIANE K. WRIGHT Deputy City Clerk
(for Steve Kapitan City Clerk)



**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
CLOSED SESSION OF CITY COUNCIL
JUNE 14, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on Monday, June 14, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 6:39 p.m. Present: Mayor Povlsen, Ald. Teresinski, Ald. Verbic, Ald. Gallagher, Ald. Naylor, Ald. Baker and Ald. Kammes. Absent was Ald. Simpson.

Also present were: Mark Biernacki, City Manager, Norma Guess, City Attorney, and Steve Kapitan, City Clerk.

PERSONNEL 5 ILCS 120/2(c)(1)

Mr. Biernacki updated Council on the Reduction in Force (RIF). Mr. Espiritu pointed out that the figures for personnel in the budget did not include retirements. Mr. Biernacki discussed support staff for the City who were part of the RIF. He stated that one Senior Office Associate was not affected by RIF and will move to the Police Department from Water. The other eight who were affected by RIF can bid on three confidential administrative office positions.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2)

Mr. Biernacki advised Council that management expects FOP's demands at a meeting this Thursday.

ADJOURNMENT

Ald. Teresinski moved to adjourn the closed session of the Committee of the Whole Meeting; seconded by Ald. Naylor. Motion carried on voice vote. The closed session adjourned at 6:59 p.m.

DIANE K. WRIGHT, Deputy City Clerk
(for Steve Kapitan, City Clerk)

The seal of the City of DeKalb, Illinois, is a circular emblem. It features a central shield with a plow and a sheaf of wheat, symbolizing agriculture. The shield is surrounded by a wreath. The words "CITY OF DEKALB" are inscribed in a circle around the top, and "STATE OF ILLINOIS" around the bottom. The year "1831" is at the very bottom.

**MINUTES
CITY OF DEKALB
REGULAR
CLOSED SESSION OF CITY COUNCIL
JUNE 14, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, June 14, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 10:27 p.m. Present: Mayor Povlsen, Ald. Teresinski, Ald. Verbic, Ald. Gallagher, Ald. Naylor, Ald. Baker and Ald. Kammes. Absent was Ald. Simpson.

Also present were: Mark Biernacki, City Manager, Norma Guess, City Attorney, Bill Feithen, Police Chief, and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2)

Mr. Biernacki advised Council that negotiations with FOP will include additional steps in each level for merit increases with each step being reduced in the pay scale. Ms. Guess cautioned Council that going to an arbitrator will realistically take seven months.

Chief Feithen left the room.

PERSONNEL 5 ILCS 120/2(c)(1)

Mr. Biernacki asked Council to consider whether he can perform as the City Manager and the Economic Development Director and do both jobs well for an entire year.

Mr. Biernacki discussed termination of two Water Division employees who have used a City truck over one year to collect items that they then refurbished. He added that the Union as threatened to arbitrate.

Mr. Biernacki discussed the phase-out program for insurance for retirees.

ADJOURNMENT

Ald. Baker moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Kammes. Motion carried on voice vote. The closed session adjourned at 10:55 p.m.

DIANE K. WRIGHT, Deputy City Clerk
(for Steve Kapitan, City Clerk)



**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
CLOSED SESSION OF CITY COUNCIL
JUNE 28, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on June 28, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:35 p.m. Council members in attendance were: Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Pam Verbic, Alderman Brendon Gallagher, Alderman Ronald Naylor, Alderman David Baker and Alderman Lisa Kammes.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Bill Feithen, Police Chief and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2)

Mr. Espiritu advised that management met informally with FOP and asked for comparable cities regarding benefits. Discussion ensued regarding potential proposals. Mr. Biernacki advised that staff has been tracking arbitration rulings. Ald. Teresinski suggested that a reasonable offer be presented, and if not agreed upon, arbitration may be necessary. Ms. Guess advised that the arbitrator will decide between the two offers at impasse. Ald. Naylor referred to the EPI report which recommends removing the lieutenants from the bargaining.

At 6:52 p.m., Chief Feithen left the meeting.

PENDING LITIGATION 5 ILCS 120/2(c)(11) (Released: July 9, 2018)

Ms. Guess advised that the Ertl case has been continued in court due to the absence of the judge.

SALE OR LEASE OF REAL PROPERTY OWNED BY THE PUBLIC BODY 5 ILCS 120/2(c)(6) (Released: July 9, 2018)

Mr. Biernacki advised that the Park District requests that the City transfer property at Hopkins as the deed restricts its use for recreation. Ald. Baker suggested holding the property for Dresser. Ald. Gallagher suggested maintaining the floodplain property in exchange for the land.

ADJOURNMENT

Ald. Simpson moved to adjourn the closed session of the Committee of the Whole; seconded by Ald. Naylor. Motion carried on voice vote. The closed session adjourned at 7:00 p.m.



Approved: March 26, 2012
Partial Release: July 9, 2018
Full Release: December 13, 2021

**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
CLOSED SESSION OF CITY COUNCIL
JULY 12, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on July 12, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:33 p.m. Council members in attendance were: Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Pam Verbic, Alderman Brendon Gallagher, Alderman Ronald Naylor, Alderman David Baker and Alderman Lisa Kammes.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Joel Maurer, City Engineer and Steve Kapitan, City Clerk.

PURCHASE OF REAL PROPERTY 5 ILCS 120/2(c)(5) (Released: July 9, 2018)

Mr. Maurer advised that this would apply to a permanent easement for drainage for the Peace Road widening. Council discussed the appraisal for the easement. Ald. Naylor suggested that it should be a lesser amount. Mr. Maurer clarified that \$420,000 would be for the City's share of the cost for construction.

Mr. Maurer left the meeting at 6:41 p.m.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2) (Released: July 8, 2019)

Mr. Espiritu distributed the latest three-year FOP proposal and compared it to amount budgeted for FY 2011. Based on comps, he said, the City's proposal is realistic, and management expects a 2-3% increase. Ald. Teresinski noted that pension costs should be included in the numbers. Ald. Gallagher said he preferred a one-year contract. Mr. Biernacki stated that if a one-year contract is offered, it will end up being longer than one year due to the negotiation process. Ald. Verbic suggested that the City work on other plan designs and added she also preferred a one-year contract. Ald. Baker asked about proposing a 10% cut. Mr. Espiritu replied that would immediately go into arbitration.

ADJOURNMENT

Ald. Teresinski moved to adjourn the closed session of the Committee of the Whole; seconded by Ald. Simpson. Motion carried on voice vote. The closed session adjourned at 7:00 p.m.



**MINUTES
CITY OF DEKALB
REGULAR
CLOSED SESSION OF CITY COUNCIL
JULY 12, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, July 12, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 10:27 p.m. Present: Mayor Povlsen, Ald. Simpson, Ald. Teresinski, Ald. Verbic, Ald. Gallagher, Ald. Naylor, Ald. Baker and Ald. Kammes.

Also present were: Mark Biernacki, City Manager, Norma Guess, City Attorney, and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2)

Mr. Biernacki discussed AFSCME issues for discussion with Council.

SALE OF REAL PROPERTY 5 ILCS 120/2(c)(6)

Mr. Biernacki discussed the handout regarding the possibility of purchasing land with the option of remodeling City Hall. Council also discussed the Police Station needs

ADJOURNMENT

Ald. Teresinski moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Naylor. Motion carried on voice vote. The closed session adjourned at 11:00 p.m.


DIANE K. WRIGHT, Deputy City Clerk
(for Steve Kapitan, City Clerk)

Approved: March 26, 2012
Released: July 9, 2018

**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
CLOSED SESSION OF CITY COUNCIL
JULY 26, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on July 26, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:13 p.m. Council members in attendance were: Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Brendon Gallagher, Alderman Ronald Naylor, Alderman David Baker and Alderman Lisa Kammes. Absent were Alderman Tom Teresinski and Alderman Pam Verbic.

Also present were: Mark Biernacki, City Manager; Norma Guess, City Attorney; Dawn Didier, Assistant City Attorney, and Steve Kapitan, City Clerk.

WORKERS COMPENSATION 5 ILCS 120/2(c)(12)

Ms. Didier presented several claims to Council. Ms. Guess added documentation procedures have been implemented. Also, she said, the City challenges the claims and she believes they are non-compensatory. She added that 80% could be offered. Further, discussion followed regarding a firefighter/paramedic suffering a herniated disc while carrying a stair chair and recommended \$26,000.

ADJOURNMENT

Ald. Gallagher moved to adjourn the closed session of the Committee of the Whole; seconded by Ald. Naylor. Motion carried on voice vote. The closed session adjourned at 6:36 p.m.

Approved: March 26, 2012
Released: July 9, 2018



**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
CLOSED SESSION OF CITY COUNCIL
AUGUST 9, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on August 9, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:02 p.m. Council members in attendance were: Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski and Alderman Pam Verbic, Alderman Ronald Naylor, Alderman David Baker and Alderman Lisa Kammes. Absent was Alderman Brendon Gallagher.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager, Norma Guess, City Attorney; Dawn Didier, Assistant City Attorney, Police Chief Bill Feithen, Fire Chief Bruce Harrison (arrived at 6:08 p.m.), Police Officers Paul Mott and Keith Ehrke, Detective Bob Redel and Steve Kapitan, City Clerk.

SECURITY PROCEDURES 5 ILCS 120/2(c)(8)

Chief Feithen spoke about gang activity in DeKalb. Police Officers Mott, Ehrke and Detective Redel gave statistics on gangs and reasons people join gangs.

Chief Harrison arrived at 6:08 p.m.

The detective and the officers showed specific gang symbols and photos of gang members and graffiti in DeKalb. They talked about prevention strategies that included juvenile intervention, surveillance, cell phone downloads, community involvement. Additionally, they stressed the importance of landlords' selectiveness in choosing tenants. Chief Feithen suggested that more officers would be helpful. Ald. Simpson suggested getting NIU Police to help in the effort.

ADJOURNMENT

Ald. Simpson moved to adjourn the closed session of the Committee of the Whole; seconded by Ald. Baker. Motion carried on voice vote. The closed session adjourned at 7:00 p.m.

Approved: March 26, 2012
Released: July 9, 2018



**MINUTES
CITY OF DEKALB
REGULAR
CLOSED SESSION OF CITY COUNCIL
AUGUST 9, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Regular Council Meeting on August 9, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 8:24 p.m. Council members in attendance were: Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski and Alderman Pam Verbic, Alderman Ronald Naylor, Alderman David Baker and Alderman Lisa Kammes. Absent was Alderman Brendon Gallagher.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager, Norma Guess, City Attorney; Dawn Didier, Assistant City Attorney, Chief Bruce Harrison (arrived at 8:28 p.m.), and Steve Kapitan, City Clerk.

PENDING LITIGATION 5 ILCS 120/2(c)(11)

Ms. Guess summarized for Council the Ertl case from 1996.

Chief Harrison arrived at 8:28 p.m.

Ms. Guess explained the results of the trial decision by the judge and outlined the judge's award. Further, she said, this is a breach of contract case. She also described the pros and cons of appealing the court order. Ms. Guess recommended attempting to settle the case with Mr. Ertl. Further, she described Mr. Ertl's suit against the Police and Fire Pension Board and the potential impact on the City's Fire Pension Fund. Mr. Ertl, she said, is seeking concurrent pension credits from both the City of DeKalb and Pleasant View Fire District (his current employer). Chief Harrison urged Council to resolve the matter as soon as possible.

MOTION TO EXTEND MEETING

At 8:58 p.m., Ald. Simpson moved to extend the meeting past 9:00 p.m.; seconded by Ald. Naylor. Motion carried on voice vote. Mayor Povlsen declared the motion passed.

Mayor Povlsen asked if there is a consensus for a settlement. Council agreed.

Chief Harrison left the meeting at 9:03 p.m.

Ms. Didier explained the court's decision on Telecom. Also, she said, the court upheld the arbitrator's decisions on the Zenzen worker's compensation claim. Council discussed an

appeal. It was the consensus of Council to appeal the decision.

Regarding a patrol car accident, MS. Didier summarized the event and the amounts commonly demanded in a lawsuit.

ADJOURNMENT

Ald. Verbic moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Simpson. Motion carried on voice vote. The closed session adjourned at 9:21 p.m.

Approved: March 26, 2012
Released: July 9, 2018



**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
CLOSED SESSION OF CITY COUNCIL
AUGUST 23, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on August 23, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:46 p.m. Council members in attendance were: Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Pam Verbic, Alderman Brendan Gallagher, Alderman Ronald Naylor, Alderman David Baker and Alderman Lisa Kammes.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Bill Feithen Police Chief; Tom Cleveland, Airport Manager; Steve Kapitan, City Clerk.

SALE OR LEASE OF PROPERTY 5 ILCS 120/2(c)(6)

Mr. Biernacki presented a summary of a proposal for the City to acquire the Fixed Base Operator (FBO) business from Rigsby. He explained that this acquisition could be financed by adjusting Rigsby's hanger land leases. Ald. Teresinski asked why Rigsby wants to get out of the business. Ald. Gallagher suggested that Staff get financial numbers on their business.

Ald. Naylor pointed out to the Council that 20 to 25 years ago the City chose to privatize the FBO operation at the airport with the expectation of greater operational efficiency. Mr. Cleveland asserted that the City could do a better job of promoting use of the airport by attracting jets, which by a lot more fuel and in turn boost revenue. Ald. Baker asserted that the City should not get into the FBO business and would like to hear from Rigsby. Mr. Biernacki asserted that airports in Illinois, similar to DeKalb's, that operate in the black pump their own fuel and are regionally run.

Mayor Povlsen suggested continuing the discussion during the closed session of the Regular City Council Meeting since it was 7:00.

ADJOURNMENT

Ald. Teresinski moved to adjourn the closed session of the Committee of the Whole; seconded by Ald. Gallagher. Motion carried on voice vote. The closed session adjourned at 7:01 p.m.



**MINUTES
CITY OF DEKALB
REGULAR
CLOSED SESSION OF CITY COUNCIL
AUGUST 23, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on August 23, 2010, in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 8:01 p.m. Council members in attendance were: Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Pam Verbic, Alderman Brendan Gallagher, Alderman Ronald Naylor, Alderman David Baker and Alderman Lisa Kammes.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Bill Feithen Police Chief; Tom Cleveland, Airport Manager; Steve Kapitan, City Clerk.

SALE OR LEASE OF PROPERTY 5 ILCS 120/2(c)(6) (Released: March 22, 2021)

1) Discussion of land lease payment reductions for Rigsby hanger land leases as a means of financing the City acquisition of Rigsby's FBO operation at DeKalb Taylor Municipal Airport (DTMA) was continued from the Committee of the Whole closed session of 8-23-10.

Ald. Verbic asked about what reaction there might be from other land lease holders if Rigsby received a reduction in his lease rates. Mr. Cleveland stated that he didn't think that there would be any reaction from the only other land lease holder. Mr. Cleveland described the types of hangers that Rigsby wants to build and that these hangers could attract the housing of corporate jets which would enhance fuel sales thus boosting City revenue. Ald. Naylor asserted the need for the City to find out the value of the FBO business in making any offer of land lease rate reduction to Mr. Rigsby. Mr. Biernacki stated that we'll be asking for the "financials" from Rigsby's FBO business and that they would be brought back to Council before any offer would be made.

Mayor Povlsen declared that there was a consensus to move forward on this.

2) Discussion of the commercial airport property at Peace and Pleasant:

Mr. Biernacki asked for direction and outlined the City's options following the expiration of the agreement that the City had with a Rigsby to develop the property. He presented three options to the Council: 1) widely re-market the property. 2) Hire a realtor with aviation expertise. 3) Ask a local developer to make a proposal. Ald. Baker suggested a use that would involve packaged liquors as an option. Mr. Biernacki pointed out to the Council that, under the now expired agreement, the developer's vision for this property changed over time from a restaurant with aviation related office space to a gas station. Ms. Guess interjected that the FAA requires that the land be used for an aviation related use.

Ald. Naylor suggested seeking proposals from the broader public. Mr. Biernacki stated that the City would be required to seek competitive proposals. The options continued to be discussed. While no particular option achieved consensus, consensus was reached to move forward with marketing the property.

3) Discussion of the sale of the maintenance hanger at Airport:

Mr. Biernacki explained that the maintenance hanger on the property to be marketed at Peace and Pleasant would have to be removed when development occurs. He stated that the City has been contacted

by a party interested in buying and moving the building. He stated that the City would seek a request for proposals to move the building to another location at the Airport. Mr. Cleveland added that this building could then function as a hanger that produces a revenue stream for the City. Ald. Gallagher expressed a concern about the City's standing with the aviation community if Rigsby is out of the picture as the FBO operator. Mr. Cleveland stated that it wouldn't be a problem as he has heard complaints about Rigsby's FBO operation at (DTMA).

Mayor Povlsen declared that Mr. Biernacki has direction to seek proposals for the sale and moving of the maintenance building to another location at the Airport. No objection was offered.

Mr. Cleveland left the room at 8:22 p.m.

SECURITY PROCEDURES 5 ILCS 120/2(c)(8) (Released: March 22, 2021)

Chief Feithen presented a strategic plan to address security issues the City faces with due to increased gang activity as presented at a closed session meeting of the City Council on August 9, 2010. The proposal includes:

- Limiting additional multi-family housing construction in the current market of excess supply that has resulted in landlords lowering their tenant screening standards which has in turn facilitated an influx of known gang members into DeKalb.
- An apartment licensing program that could be phased in to minimized controversy similar to that which occurred when it was introduced a few years ago.
- Cameras at strategic public locations in the City including Greek Row, downtown and the Pleasant Street area.
- Link University Village (UV) to the Police Department with fiber optic cable in order to allow P.D. to view public spaces seen by UV cameras.
- Enhancing drug unit activity of the DeKalb Police Department (DPD).
- Expand gang awareness program to include working with NIU PD and NIU Housing staff.
- Using TIF money to incentivize conversion of multi-family units in the College/John Neighborhood (Fifth Ward North) to single family.

Chief Feithen stated that the cost of this initiative would be less than \$50,000 without additional personnel. He stated that it would be more effective if additional police officers were hired as a part of its implementation. Feithen told of the difficulty in tracking down the owner of an apartment where a trashed abandoned vehicle was found recently.

There was a consensus to communicate with NIU the City's concerns about the potential impact of their housing plans.

Mayor Povlsen stated that he would have to see how we are doing on this year's budget numbers before he would support two new police hires. Ald. Teresinski asked if the two new police hires were in the budget. Mr. Espiritu said that they were not.

Mayor Povlsen briefly opened the meeting to allow its extension.

MOTION

Ald. Teresinski moved to extend the meeting. Ald. Simpson seconded the motion. Motion passed on a voice vote.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2) (Released: July 8, 2019)

Mr. Espiritu outlined the 3-year contract proposal offered by the Fraternal Order of Police (FOP) which provided a 13% increase the first year and an increase of 29% over three years. He went on to explain the chart of comparable cities and how they compare and contrast with DeKalb. Ald. Kammes asked how the comparable cities were chosen. Mr. Biernacki explained that a consultant prepared the list taking into account the City's need to be able to defend it, if necessary, in arbitration.

Mr. Espiritu handed out and proceeded to summarize the City's proposal for a one year contract that changes the list of comparable cities, no wage increase, extend the "steps" from five to eight, eliminate longevity pay, require payment of 20% of premium for health insurance offering a three tier option, no subsidized insurance in retirement for new hires, remove the no layoff clause, reduce comp time to be in line with the comparable cities, reduce sick leave, reduce vacation time, reduce holidays, reduce clothing allowance and eliminate education benefits. He stated that he "costed out" the proposal in the handout along with what he thought the City would end up with. Ald. Gallagher asserted that the Council return the handout.

Mr. Espiritu handed out a chart showing the three-tiered health insurance plan that is a part of the City proposal and what it would cost employees. The Council discussed how the incentives to choose a particular plan might play out if adopted and how it might be defended in arbitration. There was concern expressed that there might be few takers of the high-deductible plan.

In response to Council discussion of adjusting the incentives to encourage choice of the high-deductible plan, Mr. Biernacki reminded Council that the City has to be concerned about what an arbitrator might accept. At the conclusion of the discussion Ald. Gallagher called on the Council to return this handout to staff.

Chief Feithen left the room at 9:17 p.m.

PERSONNEL 5 ILCS 120/2(c)(1) (Released: July 8, 2019)

Mr. Biernacki updated the Council on the Public Works Director search. He stated that eight of the twenty applicants were called for interviews. Only three of the eight chose to interview, he said. Of the three interviewed the one desirable candidate declined the job offer. Mr. Biernacki cited the pay scale and residency requirements as obstacles in getting good candidates. The expanded responsibilities of the job put it on a par with police and fire chiefs, he said. He recommended adjusting the pay classification and residency requirement when seeking another round of applicants.

REVIEW OF CLOSED SESSION MINUTES 5 ILCS 120/2(c)(21) (Released: July 9, 2018)

Clerk Kapitan explained that closed session minutes with release or hold recommendations would be provided to Council prior to the next meeting in order that they may review them ahead of the closed session at which time they can consider their release.

Ms. Guess explained the procedure under the previous Clerk in which the minutes, with recommendation, were provided ahead of the meeting and the list, as recommended, was placed on the Regular Meeting consent agenda for open session. If there was disagreement with any of the recommendations, then the relevant minutes could be removed from the consent agenda and discussed in closed session.

ADJOURNMENT

Ald. Simpson moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Kammes. Motion carried on voice vote. The closed session adjourned at 9:41 p.m.

STEVE KAPITAN
City Clerk



Approved: March 26, 2012
Partial Release: July 9, 2018
Partial Release: July 8, 2019
Full Release: March 22, 2021

**MINUTES
CITY OF DEKALB
REGULAR
CLOSED SESSION OF CITY COUNCIL
SEPTEMBER 13, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, September 13, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 8:47 p.m. Present: Mayor Povlsen, Ald. Simpson, Ald. Teresinski, Ald. Verbic, Ald. Gallagher, Ald. Naylor, Ald. Baker and Ald. Kammes.

Also present were: Mark Biernacki, City Manager, Norma Guess, City Attorney, Bill Feithen, Police Chief, Bruce Harrison, Fire Chief, Tom Cleveland, Assistant Public Works Director - Airport, and Steve Kapitan, City Clerk.

SALE OR LEASE OF PROPERTY 5 ILCS 120/2(c)(6) (Released: July 9, 2018)

Mr. Biernacki discussed land leases at the Airport and recommended paying only for fuel and equipment by adjusting the land leases. He added that a \$1 million grant should be announced this week.

Mr. Cleveland left the room at 8:54 p.m.

MOTION TO EXTEND MEETING

At 8:54 p.m., Ald. Simpson moved to extend the meeting past 9:00 p.m.; seconded by Ald. Gallagher. Motion carried on voice vote. Mayor Povlsen declared the motion passed.

PERSONNEL 5 ILCS 120/2(c)(1) (Released: July 8, 2019)

Mr. Biernacki and Chief Harrison explained to Council the SAFER grant by the federal government to hire employees for a term of two years, with no layoffs for one year following. However, the number hired to meet the staffing standard cited in the grant would be eleven Fire Fighters, at a cost to the City in year three of \$3.5 million. Council consensus was not to pursue the grant at this time.

Chief Harrison left the room at 9:05 p.m.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2) (Released: July 9, 2018)

Mr. Biernacki reported that there is no progress and no meeting scheduled until October with FOP.

PERSONNEL 5 ILCS 120/2(c)(1) *(Released: July 8, 2019)*

Chief Feithen stated that offering officers \$10,000 to move back to DeKalb would be perceived as unfair to those that have chosen to live here.

Chief Feithen left the room at 9:15 p.m.

WORKER'S COMPENSATION 5 ILCS 120/2(c)(12) *(Released: July 9, 2018)*

Ms. Guess provided an update and noted there are 25 open claims since October 2009. She added that the City's liability has grown in this area and there is no funding for it. Council discussed the risk pool and what it could provide.

PERSONNEL 5 ILCS 120/2(c)(1) *(Released: July 8, 2019)*

Mr. Biernacki reported that the Public Works employee arrested for shoplifting pled guilty which resulted in his termination. His firing is being arbitrated, he added.

Regarding filling the vacant Public Works Director's position, Mr. Biernacki stated that the trend is moving away from a residency requirement. Council discussed the value of residency for this position.

ADJOURNMENT

Ald. Simpson moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Kammes. Motion carried on voice vote. The closed session adjourned at 9:58 p.m.

DIANE K. WRIGHT, Deputy City Clerk
(for Steve Kapitan, City Clerk)



Approved: March 26, 2012
Partial Release: July 9, 2018
Full Release: July 8, 2019

**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
CLOSED SESSION OF CITY COUNCIL
OCTOBER 11, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on October 11, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 9:06 p.m. Council members in attendance were: Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Pam Verbic, Alderman Brendon Gallagher, Alderman Ronald Naylor, Alderman David Baker and Alderman Lisa Kammes.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Bill Feithen Police Chief; and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(6)

Mr. Biernacki stated that it may be possible to increase the Police Department staffing if revenues continue to rise; this may affect collective bargaining. Ald. Verbic asked if two (2) additional Public Works positions were reduced to allow for the Police positions in the budget. Mr. Biernacki confirmed this.

Ald. Naylor stated that the City can't afford to backfill vacant positions and suggested that negotiations get finalized with FOP. Mayor Povlsen asked what the delay in the negotiations is. Mr. Espiritu responded that meetings are dependent upon the schedule of the counsel for the union reps. Mayor Povlsen suggested lifting the attrition policy for Police Department to allow the City Manager to hire the positions. Ald. Baker and Kammes expressed support.

Chief Feithen left the meeting at 9:33 p.m.

PERSONNEL 5 ILCS 120/2(c)(1) (Released: July 8, 2019)

Mr. Biernacki informed the Council that AFSCME has filed a grievance regarding the City's layoff of a fulltime inspector while keeping a part time inspector. The Council discussed the option to contract out electrical inspections instead of an employee.

PENDING LITIGATION 5 ILCS 120/2(c)(11) (Released: July 9, 2018)

Ms. Guess updated the Council on the Ertl case and reported that the City's offer of \$200,000 to Mr. Ertl was rejected.

RISK MANAGEMENT 5 ILCS 120/2(c)(12) (Released: July 9, 2018)

Mr. Espiritu explained the coverage of IRMA and MICA and the differences between the two. The premium for MICA is \$1 million to commence in May with no "sign-up" fee. Council discussed the comparisons. Ald. Teresinski favored MICA. Council discussed the pros and cons of each. Mr. Biernacki stated that the only way to fund this would be from the sale of the Lincoln Highway property. Ms. Guess cautioned that sale of property is not on the Agenda.

ADJOURNMENT

Ald. Gallagher moved to adjourn the closed session of the Committee of the Whole; seconded by Ald. Kammes. Motion carried on voice vote. The closed session adjourned at 10:13 p.m.



Approved: March 26, 2012
Partial Release: July 9, 2018
Partial Release: July 8, 2019
Full Release: December 13, 2021

**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
CLOSED SESSION OF CITY COUNCIL
OCTOBER 25, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on October 25, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:28 p.m. Council members in attendance were: Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Pam Verbic, Alderman Brendon Gallagher, Alderman Ronald Naylor, Alderman David Baker and Alderman Lisa Kammes.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Dawn Didier, Assistant City Attorney; Bill Feithen Police Chief (arrived at 6:29 p.m.); Tom Cleveland, Assistant Public Works Director – Airport; and Steve Kapitan, City Clerk.

SALE OR LEASE OF PROPERTY 5 ILCS 120/2(c)(6) (Released: July 9, 2018)

Mr. Biernacki explained the proposed terms of the land lease adjustments that Tom Cleveland has tentatively negotiated with the FBO operator. The terms include a 5-cent reduction on land lease rates for future hangers and adjustments for the fuel in the ground. He added that the 5-cent reduction and another opportunity for an additional two years to develop the property at the corner of Peace and Pleasant would translate in to reducing the proposal from \$80,000 to \$30,000. Ald. Teresinski and Naylor asked about the development agreement for this property. Mr. Cleveland explained that the original proposal and any future development would have to include an aeronautical use. After discussion of the offer, consensus of Council was to bring the item to a regular City Council meeting.

WORKER'S COMPENSATION 5 ILCS 120/2(c)(12) (Released: July 9, 2018)

Ms. Didier advised that an employee hurt his ankle; usage of 17% of the foot is affected. After discussion it was the consensus of Council to authorize up to \$23,000.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2)

Mr. Biernacki distributed proposals regarding the FOP contract. This included the FOP initial offer, the City's counter, the FOP counter and the recommended City counteroffer. He also explained that the 1st quarter finance report distributed to Council is relevant to the FOP negotiations. Ms. Guess explained the arbitration process that she expects FOP to propose. Mayor Povlsen asked if the arbitrator can pick and choose between

the different elements of the proposals. Ms. Guess said that he/she can. She added that a two-year contract is recommended. She explained more details and commented on the elements of the proposal. Ald. Naylor asked about costs associated with the offer. Mr. Biernacki said that staff would cost it out for the next meeting.

ADJOURNMENT

Ald. Naylor moved to adjourn the closed session of the Committee of the Whole; seconded by Ald. Teresinski. Motion carried on voice vote. The closed session adjourned at 6:58 p.m.



Approved: March 26, 2012
Partial Release: July 9, 2018
Full Release: July 8, 2019

**MINUTES
CITY OF DEKALB
REGULAR
CLOSED SESSION OF CITY COUNCIL
OCTOBER 25, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Regular City Council Meeting on October 25, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 10:29 p.m. Council members in attendance were: Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Pam Verbic, Alderman Brendon Gallagher, Alderman Ronald Naylor, Alderman David Baker and Alderman Lisa Kammes.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2) *(Released: July 8, 2019)*

Mr. Biernacki asked Council for any comments regarding the City's counterproposal to the FOP. Ald. Gallagher commented on low numbers on arbitration decisions from other cities. Ald. Teresinski suggested that phasing out subsidized insurance for retirees is needed. Mr. Biernacki suggested that we would probably need to go to mediation prior to arbitration. He added that the 1st quarter financial report will probably have an impact on the negotiations after it is released. After discussion, it was the consensus of Council to proceed with the counterproposal.

DISCUSSION OF CLOSED SESSION MINUTES 5 ILCS 120/2(c)(21)
(Released: July 9, 2018)

Ald. Naylor challenged the need to hold some of the Closed Session Minutes that are proposed to be held. Ms. Guess explained that while some portions of the meeting may be alright to release if only one topic should be held, we should hold the minutes from the entire closed session meeting. Council consensus was to accept the proposed list Closed Session Minutes for release and hold.

SALE OR LEASE OF PROPERTY 5 ILCS 120/2(c)(6) *(Released: July 9, 2018)*

Ms. Guess advised that the Sawyer property is still vacant.

ADJOURNMENT

Ald. Teresinski moved to adjourn the closed session of the Regular Council Meeting; seconded by Ald. Kammes. Motion carried on voice vote. The closed session adjourned at 10:52 p.m.



**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
CLOSED SESSION OF CITY COUNCIL
NOVEMBER 8, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on November 8, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:39 p.m. Council members in attendance were: Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Pam Verbic, Alderman Brendon Gallagher, Alderman Ronald Naylor, Alderman David Baker and Alderman Lisa Kammes.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Dawn Didier, Assistant City Attorney; Bill Feithen Police Chief; Joel Maurer, Assistant Public Works Director – Engineering/Transportation, and Steve Kapitan, City Clerk.

PURCHASE OR LEASE OF REAL PROPERTY 5 ILCS 120/2(c)(5)

(Released: July 9, 2018)

Mr. Maurer discussed the land acquisition of GE property for Peace Road widening improvement.

PERSONNEL 5 ILCS 120/2(c)(1) *(Released: July 9, 2018)*

Mr. Biernacki advised that thirty-three (33) applications were received for the Public Works Director's position.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2) *(Released: July 9, 2018)*

Mr. Espiritu advised Council that the City's counteroffer was rejected by the FOP. He explained that the FOP counteroffer would be a 26% increase. Mr. Biernacki pointed out that the City still has an opportunity for mediation before arbitration. Ald. Teresinski stated that all bargaining units including management should be consistent with the age of retirement.

ADJOURNMENT

Ald. Naylor moved to adjourn the closed session of the Committee of the Whole; seconded by Ald. Simpson. Motion carried on voice vote. The closed session adjourned at 6:57 p.m.



**MINUTES
CITY OF DEKALB
REGULAR
CLOSED SESSION OF CITY COUNCIL
NOVEMBER 8, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on November 8, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 10:20 p.m. Council members in attendance were: Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Pam Verbic, Alderman Brendan Gallagher, Alderman Ronald Naylor, Alderman David Baker and Alderman Lisa Kammes.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Dawn Didier, Assistant City Attorney; Bill Feithen Police Chief; Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2)

Mr. Espiritu summarized AFSCME's proposal and the City's counter offer. The next meeting is December 1, he advised.

WORKER'S COMPENSATION 5 ILCS 120/2(c)(12)

Ms. Didier explained the injury three years ago on the leaf machine. The employee is asking for recovery of 27% of the knee. Mayor Povlsen asked for consensus of Council.

On another issue, Ms. Didier advised Council that an arrestee fought an officer in the booking room. The officer hit his head on the floor and sustained a concussion. He has since complained of numerous physical and mental issues. The arbitrator wants medical rights open with settlement. If we lose, she said, the wage difference will sustain for the rest of his life.

ADJOURNMENT

Ald. Naylor moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Kammes. Motion carried on voice vote. The closed session adjourned at 10:53 p.m.



**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
CLOSED SESSION OF CITY COUNCIL
NOVEMBER 22, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on November 22, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole meeting of the same day.

The closed session started at 6:45 p.m. Council members in attendance were: Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Brendon Gallagher, Alderman Ronald Naylor, Alderman David Baker and Alderman Lisa Kammes. Absent was Alderman Pam Verbic.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Dawn Didier, Assistant City Attorney; Bill Feithen, Police Chief and Steve Kapitan, City Clerk.

DISCUSSION OF CLOSED SESSION MINUTES 5 ILCS 120/2(c)(21)

Council discussed closed session minutes and the release of same. Ms. Guess advised Council that some may need to be held pending disposition of certain items. Consensus of Council was to follow Ms. Guess' recommendation.

PERSONNEL 5 ILCS 120/2(c)(1)

Mr. Biernacki asked for direction on filling two recent resignations in the Police Department because of the attrition policy. Chief Feithen explained the hand out given on police staffing levels.

ADJOURNMENT

Ald. Simpson moved to adjourn the closed session of the Committee of the Whole; seconded by Ald. Kammes. Motion carried on voice vote. The closed session adjourned at 7:02 p.m.

Approved: March 26, 2012
Released: July 9, 2018



**MINUTES
CITY OF DEKALB
REGULAR
CLOSED SESSION OF CITY COUNCIL
NOVEMBER 22, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on November 22, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 9:10 p.m. Council members in attendance were: Mayor Kris Povlsen, Alderman Bertrand Simpson, Alderman Tom Teresinski, Alderman Brendan Gallagher, Alderman Ronald Naylor, Alderman David Baker and Alderman Lisa Kammes. Absent was Alderman Pam Verbic.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Dawn Didier, Assistant City Attorney; Bill Feithen Police Chief; Steve Kapitan, City Clerk.

PERSONNEL 5 ILCS 120/2(c)(1) *(Released: July 9, 2018)*

Ald. Teresinski advocated for relocation expenses for police officers being hired. Ald. Naylor rejected the suggestion and added that the City has already retracted the requirement to live in the City.

Mr. Espiritu advised that Diana Erickson has tendered her resignation as Director of Finance/Purchasing. Management will now look to the candidate who was second choice for an interview.

COLLECTIVE BARGAINING 5 ILCS (c)(2) *(Released: July 9, 2018)*

Mr. Espiritu summarized the FOP's counteroffer.

Council discussed health insurance continuance for retirees. Council provided direction to Mr. Espiritu to begin a five-year phase out of health insurance for retirees.

Mr. Biernacki advised that there is a possibility for ten-hour shifts for the telecommunicators; if the union agrees, overtime could be reduced. He explained the logistics. Ald. Naylor expressed concern about worker's compensation claims from longer hours.

Chief Feithen left the room at 9:40 p.m.

Mr. Espiritu summarized the AFSCME proposal and the City's counteroffer.

PERSONNEL 5 ILCS 120/2(c)(1) (Released: July 9, 2018)

It was discussed changing management retirees' insurance from 55 years. Discussion followed regarding the subject and phasing it to age 60.

ADJOURNMENT

Ald. Simpson moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Naylor. Motion carried on voice vote. The closed session adjourned at 9:55 p.m.

Approved: March 26, 2012
Partial Release: July 9, 2018
Full Release: July 8, 2019



**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
CLOSED SESSION OF CITY COUNCIL
DECEMBER 13, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on Monday December 13, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 6:49 p.m. Present: Mayor Povlsen, Ald. Simpson, Ald. Teresinski, Ald. Verbic, Ald. Gallagher, and Ald. Naylor. Absent were Ald. Baker and Ald. Kammes.

Also present were: Mark Biernacki, City Manager, Norma Guess, City Attorney, and Steve Kapitan, City Clerk.

PERSONNEL 5 ILCS 120/2(c)(1)

Mr. Espiritu stated that a strong second candidate from the initial recruitment has accepted the position for Finance/Purchasing Director.

PURCHASE OF REAL PROPERTY 5 ILCS 120/2(c)(5)

Mr. Biernacki advised that there has been a demand by the City to pay rent at the Airport. He added that a letter was sent that they are in default due to non-payment of rent and fuel supply deficiency. They have ten days to cure the deficiencies; the City can take over after that.

ADJOURNMENT

Ald. Simpson moved to adjourn the closed session of the Committee of the Whole Meeting; seconded by Ald. Verbic. Motion carried on voice vote. The closed session adjourned at 7:00 p.m.

DIANE K. WRIGHT, Deputy City Clerk
(for Steve Kapitan, City Clerk)



Approved: March 26, 2012
Released: July 9, 2018

**MINUTES
CITY OF DEKALB
REGULAR
CLOSED SESSION OF CITY COUNCIL
DECEMBER 13, 2010**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday December 13, 2010 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 8:57 p.m. Present: Mayor Povlsen, Ald. Simpson, Ald. Teresinski, Ald. Verbic, Ald. Gallagher, and Ald. Naylor. Absent were Ald. Baker and Ald. Kammes.

Also present were: Mark Biernacki, City Manager, Norma Guess, City Attorney, Dawn Didier, Assistant City Attorney, Bruce Harrison, Fire Chief, and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2) *(Released: July 9, 2018)*

Mr. Espiritu explained the proposed "interest-based bargaining" approach. He noted that it is an attempt to build a stakeholder relationship with employees. Council agreed to test this approach.

Mr. Espiritu summarized the FOP counteroffer and the City's counter. FOP responded with a desire for mediation.

Mr. Espiritu summarized the AFSCME counteroffer; their proposal was for all non-economic changes.

PERSONNEL 5 ILCS 120/2(c)(1) *(Released: July 9, 2018)*

Mr. Biernacki updated Council on the Public Works Director search. He noted that four out of the five finalists withdrew their names, citing the residency requirement as their reason. Council discussed elimination of the residency requirement for this position. Mr. Biernacki stated that if Council retracts the residency requirement for this position, he recommends that it be retracted for all department heads. Consensus of Council was to bring the non-residency requirement back to a meeting.

ADJOURNMENT

Ald. Naylor moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Simpson. Motion carried on voice vote. The closed session adjourned at 9:47 p.m.

Approved: March 26, 2012
Partial Release: July 9, 2018
Full Release: July 8, 2019

DIANE K. WRIGHT, Deputy City Clerk
(for Steve Kapitan, City Clerk)





EXECUTIVE-CLOSED SESSION MINUTES INDEX

2011		Recommendation for Release	
		Yes	No
January 10, 2011 (COW) Approved: April 9, 2012	Collective Bargaining	Released: July 8, 2019	
	Pending Litigation	Released: July 9, 2018	
January 24, 2011 (Regular) Approved: April 9, 2012	Collective Bargaining	Released: July 8, 2019	
	Pending Litigation	Released: July 9, 2018	
	Personnel	Released: July 9, 2018	
February 14, 2011 (COW) Approved: April 9, 2012	Closed Session Minutes Discussion	Released: July 9, 2018	
	Pending Litigation		
February 14, 2011 (Regular) Approved: April 9, 2012	Collective Bargaining	Released: July 8, 2019	
	Personnel	Released: July 9, 2018	
	Worker's Compensation	Released: July 9, 2018	
February 28, 2011 (COW) Approved: April 9, 2012 Released: July 9, 2018 Audio Destroyed: June 17, 2019	Closed Session Minutes Discussion	Released: July 9, 2018	
	Pending Litigation		
	Personnel		
February 28, 2011 (Regular) Approved: April 9, 2012 Released: July 9, 2018 Audio Destroyed: June 17, 2019	Collective Bargaining	Released: July 9, 2018	
March 14, 2011 (Regular) Approved: April 9, 2012 Released: July 9, 2018 Audio Destroyed: June 17, 2019	Collective Bargaining	Released: July 9, 2018	
	Pending Litigation		
	Personnel		
	Security Procedures		
March 28, 2011 (Regular) Approved: April 9, 2012	Collective Bargaining	Released: July 8, 2019	
	Pending Litigation	Released: July 9, 2018	
	Personnel	Released: July 8, 2019	
	Worker's Compensation	Released: July 9, 2018	
April 11, 2011 (Regular) Approved: April 9, 2012	Collective Bargaining	Released: July 8, 2019	
	Personnel	Released: July 9, 2018	
April 18, 2011 (Special) Approved: April 9, 2012 Released: July 9, 2018 Audio Destroyed: June 17, 2019	Personnel	Released: July 9, 2018	
April 25, 2011 (Regular) Approved: April 9, 2012	Closed Session Minutes Discussion	Released: July 9, 2018	
	Collective Bargaining	Released: July 8, 2019	
	Pending Litigation	Released: July 9, 2018	
	Personnel	Released: July 9, 2018	
May 9, 2011 (Regular) Approved: April 9, 2012	Closed Session Minutes Discussion	Released: July 9, 2018	
	Collective Bargaining	Released: July 8, 2019	
	Personnel	X	
	Purchase or Lease of Real Property	Released: July 9, 2018	



EXECUTIVE-CLOSED SESSION MINUTES INDEX

2011		Recommendation for Release	
		Yes	No
May 17, 2011 (Special) Approved: April 9, 2012	Collective Bargaining	Released: July 8, 2019	
May 23 & 24, 2011 (Regular) Approved: April 9, 2012	Closed Session Minutes	Released: July 9, 2018	
	Collective Bargaining	Released: July 8, 2019	
	Pending Litigation	Released: July 9, 2018	
	Personnel	Released: July 9, 2018	
	Worker's Compensation	Released: July 9, 2018	
June 13, 2011 (Regular) Approved: April 9, 2012	Collective Bargaining	Released: July 8, 2019	
	Pending Litigation	Released: July 9, 2018	
	Personnel	Released: July 8, 2019	
June 20, 2011 (Special) Approved: April 9, 2012	Collective Bargaining Personnel	Released: July 8, 2019	
June 27, 2011 (Regular) Approved: April 9, 2012	Closed Session Minutes Review	Released: July 9, 2018	
	Collective Bargaining	Released: July 8, 2019	
	Personnel	Released: July 8, 2019	
	Worker's Compensation	Released: July 9, 2018	
July 11, 2011 (Regular) Approved: April 9, 2012	Closed Session Minutes Discussion	Released: July 9, 2018	
	Collective Bargaining	Released: July 8, 2019	
	Pending Litigation	Released: July 9, 2018	
July 14, 2011 (Special) Approved: April 9, 2012	Collective Bargaining	Released: July 8, 2019	
July 25, 2011 (COW) Approved: April 9, 2012	Closed Session Minutes Discussion Pending Litigation	Released: July 9, 2018	
July 25, 2011 (Regular) Approved: April 9, 2012	Collective Bargaining Personnel	Released: July 8, 2019	
August 8, 2011 (COW) Approved: April 9, 2012	Collective Bargaining Personnel	Released: July 8, 2019	
August 8, 2011 (Regular) Approved: April 9, 2012	Closed Session Minutes Discussion	Released: July 9, 2018	
	Pending Litigation	Released: July 9, 2018	
	Personnel	Released: July 8, 2019	
August 9, 2011 (Special) Approved: April 9, 2012	Personnel	Released: July 8, 2019	
August 22, 2011 (COW) Approved: April 9, 2012	Closed Session Minutes Discussion	Released: July 9, 2018	
	Collective Bargaining	Released: July 8, 2019	
	Pending Litigation	Released: July 9, 2018	
	Personnel	Released: July 8, 2019	
August 22, 2011 (Regular) Approved: April 9, 2012	Personnel	Released: July 8, 2019	



EXECUTIVE-CLOSED SESSION MINUTES INDEX

2011		Recommendation for Release	
		Yes	No
September 12, 2011 (COW) Approved: April 9, 2012	Closed Session Minutes Discussion	Released: July 9, 2018	
	Collective Bargaining	Released: July 8, 2019	
	Pending Litigation	Released: July 9, 2018	
	Purchase of Real Property	Released: July 9, 2018	
September 26, 2011 (COW) Approved: April 9, 2012	Collective Bargaining	Released: July 8, 2019	
	Pending Litigation	Released: July 9, 2018	
	Worker's Compensation	Released: July 8, 2019	
September 26, 2011 (Regular) Approved: April 9, 2012	Closed Session Minutes Discussion	Released: July 9, 2018	
	Collective Bargaining	Released: July 8, 2019	
	Pending Litigation	X	
	Personnel	Released: July 8, 2019	
	Worker's Compensation	Released: July 8, 2019	
October 10, 2011 (Regular) Approved: April 9, 2012	Collective Bargaining	Released: July 8, 2019	
	Pending Litigation	Released: July 9, 2018	
October 24, 2011 (Regular) Approved: April 9, 2012	Closed Session Minutes Review	Released: July 9, 2018	
	Collective Bargaining	Released: July 8, 2019	
	Imminent or Pending Litigation	Released: July 8, 2019	
	Personnel	X	
	Purchase or Lease of Real Property	X	
November 14, 2011 (COW) Approved: April 9, 2012	Collective Bargaining	Released: July 8, 2019	
	Land Acquisition	Released: July 9, 2018	
November 14, 2011 (Regular) Approved: April 9, 2012 November 21, 2011 (Regular) (Reconvened from 11/14/11 mtg.) Approved: April 9, 2012	Collective Bargaining	X	
	Pending Litigation	Released: July 9, 2018	
	Personnel	Released: July 9, 2018	
November 28, 2011 (Regular) Approved: April 9, 2012	Closed Session Minutes Discussion	Released: July 9, 2018	
	Collective Bargaining	Released: July 8, 2019	
	Pending Litigation	Released: July 9, 2018	
	Worker's Compensation	Released: July 8, 2019	
December 12, 2011 (Regular) Approved: April 9, 2012	Closed Session Minutes Discussion	Released: July 9, 2018	
	Collective Bargaining	Released: July 8, 2019	
	Pending Litigation	Released: July 9, 2018	
	Purchase or Lease of Real Property	Released: July 9, 2018	

Unless otherwise noted, audio recordings of the 2011 Executive Session meetings destroyed August 9, 2019, as per Resolution 2019-110.

**MINUTES
COMMITTEE OF THE WHOLE
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
January 10, 2011**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole on Monday, January 10, 2011 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 6:42 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. Bertrand Simpson, Ald. Tom Teresinski, Ald. Pam Verbic, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Lisa Kammes.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney; Dawn Didier, Assistant City Attorney; Steve Kapitan, City Clerk.

PENDING LITIGATION 5 ILCS 120/2 (c) (11) (Released: July 9, 2018)

Ms. Didier explained the status of the Workers Compensation case of Telecommunicator Donna Zenzen. Ald. Verbic asked if there are any changes in procedure to avoid such an injury to her or other telecommunicators again. Mr. Biernacki said that the City has ergonomically correct furniture and equipment in that department. After some discussion the consensus was to appeal the case. Ald. Simpson advocated contracting out the telecommunicator positions.

COLLECTIVE BARGAINING 5 ILCS (c)(2) (Released: July 8, 2019)

Ald. Teresinski asked for confirmation on the status of the City's final offer to the FOP before mediation and suggested addressing a change in management retiree health insurance by February. Mr. Biernacki asserted that Council's direction was to wait until negotiations with the unions.

ADJOURNMENT:

Ald. Simpson moved to adjourn the closed session of the Committee of the Whole; seconded by Ald. Kammes. Motion carried on voice vote. The closed session adjourned at 7:02 p.m.

Approved: April 9, 2012
Partial Release: July 9, 2018
Full Release: July 8, 2019

STEVE KAPITAN City Clerk

Prepared by: DENNE WRIGHT City Clerk

The seal of the City of DeKalb, Illinois, is circular. It features a central shield with a plow and a sheaf of wheat. The words "CITY OF DEKALB" are written in a circle around the top, and "STATE OF ILLINOIS" around the bottom. The year "1831" is at the very bottom.

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
January 24, 2011**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on January 24, 2011 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 9:20 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. Bertrand Simpson, Ald. Tom Teresinski, Ald. Pam Verbic, Ald. Brendan Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Lisa Kammes.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Norma Guess, City Attorney and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2 (c)(2) (Released: July 8, 2019)

Mr. Espiritu outlined the status of negotiations with AFSCME referencing a handout provided at the meeting. Additionally, he outlined the City's counter offer of a two year 0%, 2% wage increase. He explained health plan the City proposed for active employees and a three year phase out of retiree health insurance. Ald. Teresinski asked about the status of the FOP. Mr. Biernacki said that we are waiting for a federal mediator to be assigned.

PERSONNEL 5 ILCS 120/2(c)(1) (Released: July 9, 2018)

Mr. Biernacki updated the Council on a grievance filed two months earlier by AFSCME citing the layoff of a full time building inspector before laying off a part-time inspector. The other part of the grievance is that the City assigned bargaining unit work to contractors for engineering services, he said. They also filed an unfair labor practice against the City for not informing them of our intentions to contract out that work. Mr. Biernacki suggested offering a settlement of bringing back an Engineering Tech position and not the building inspector. Consensus was to layoff the part-time electrical inspector, thus eliminating the grievance, then contract out the inspection work needed. Mayor Povlsen asked Mr. Biernacki to keep track of the costs of contracting out the electrical inspector services in order to assess this decision.

PENDING LITIGATION 5 ILCS 120/2 (c) (11) (Released: July 9, 2018)

Ms. Guess explained that DeKalb Aviation has filed a civil rights suit in federal court naming the City, Mark Biernacki, and herself. She pointed out that, due to the complexity of federal cases the City hired specialized counsel Mike Barsani for this case. In consultation with our attorney we have determined that this is a contract matter and therefore are seeking dismissal in federal court, allowing it to be filed in state court. She suggested that the City consider filing a counter suit against DeKalb Aviation for damages from their failure to provide fuel as required in their agreement with the City.

She went on to point out that DeKalb Aviation burned out a motor trying to pump fuel that was too low in the storage tank. This created a need for the City to replace that motor in order to assure an available fuel supply. The City has billed DeKalb Aviation for the cost, which they have not paid, she said.

Ald. Verbic questioned the involvement of Jeff Kohlert in DeKalb Aviation when he is now with Fly America. Ms. Guess explained that he was a part owner, but had a falling out with DeKalb Aviation. She also asserted that the City did not unlawfully seize DA's property and that the firm was in breach of contract with the City. Ms. Guess further described the City's actions in trying to make the FBO functional. She advised everyone to avoid any discussion with Ed Kling. She said that we are going to have our counsel issue a press release.

Ms. Guess asked the Council to waive the attorney-client privilege the City has with her, so that she as a defendant can freely discuss privileged communications with Mr. Barsani. Ald. Teresinski asked for her account of the alleged breach claimed by DeKalb Aviation. She explained the process in which DeKalb Aviation failed to meet the 10 day deadline to get fuel in the ground at the Airport and meet other obligations.

Ald. Gallagher asked for Mr. Barsani's opinion about granting the waiver of attorney-client privilege. Ms. Guess suggested that a letter of explanation from Mr. Barsani would enable timely action needed in this case. There was a consensus for Ms. Guess to obtain a letter from Mr. Barsani.

ADJOURNMENT:

Ald. Simpson moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Kammes. Motion carried on voice vote. The closed session adjourned at 10:44 p.m.

STEVE KAPPEL City Clerk

Prepared by: DIANE WRIGHT City Clerk



Approved: April 9, 2012
Partial Release: July 9, 2018
Full Release: July 8, 2019

**MINUTES
COMMITTEE OF THE WHOLE
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
February 14, 2011**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole on Monday, February 14, 2011 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 6:04 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. Bertrand Simpson, Ald. Tom Teresinski, Ald. Pam Verbic, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Lisa Kammes.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Dawn Didier, Assistant City Attorney Bruce Harrison, Fire Chief and Steve Kapitan, City Clerk.

PENDING LITIGATION 5 ILCS 120/2 (c) (11)

Ms. Didier updated the Council on the status of the Ertl cases. The judge issued a final order which the City has 30 days to appeal. She recommended only appealing the \$30,000 in attorney fees. In the other case regarding his claim of wrongful dismissal, the judge issued a final judgment ordering the City to reinstate him as an employee and prohibits the City from disciplining him over what occurred in the 1995/96 period.

Mr. Ertl has just filed a new suit over the City's intention to bring him back as the probationary employee he was when fired fifteen years ago. Chief Harrison stated that Mr. Ertl is seeking pension credits for all of the years 1995- 2009 and has filed a suit against the Fire Pension Board. Chief Harrison asserted that there were grounds for his termination in 1995. After discussion of the options, the consensus of the Council was to appeal only the attorney fees as recommended. Ms. Didier explained the next steps in the process of his return to work.

Chief Harrison left the room at 6:35 p.m.

CLOSED SESSION MINUTES 5 ILCS 120/2 (c)(21)

Clerk Kapitan stated that he did not have closed session minutes to provide the Council. Ald. Naylor asked what it will take to get caught up. Mr. Kapitan said that he has to establish a routine for producing the minutes.

PENDING LITIGATION 5 ILCS 120/2 (c) (11)

Ms. Didier gave an update on the DeKalb Aviation lawsuit. She stated that the City's attorney has reviewed the privileged documents and recommends providing them to the court. There was discussion about foregoing the attorney/client privilege as Norma Guess recommended. Ald. Simpson raised the concern about Council members being named in the suit. Ms. Didier suggested having Mr. Bersani, City's counsel come and talk to the Council.

ADJOURNMENT:

Ald. Teresinski moved to adjourn the closed session of the Committee of the Whole; seconded by Ald. Naylor. Motion carried on voice vote. The closed session adjourned at 6:59 p.m.

Approved: April 9, 2012
Released: July 9, 2018



**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
February 14, 2011**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday February 14, 2011 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 8:54 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. Bertrand Simpson, Ald. Tom Teresinski, Ald. Pam Verbic, Ald. Brendan Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Lisa Kammes.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Dawn Didier, Assistant City Attorney and Steve Kapitan, City Clerk.

WORKERS COMPENSATION 5 ILCS 120/2 (c) (12) (Released: July 9, 2018)

Ms. Didier explained that a police officer was injured chasing a suspect; has had surgery and is going through rehab. He is seeking \$23,000 without engaging an attorney. Ald. Teresinski expressed concern about inadequate reserves in the Workers Comp fund. The consensus of the Council was to settle this case.

COLLECTIVE BARGAINING 5 ILCS 120/2 (c)(2) (Released: July 8, 2019)

Mr. Espiritu outlined the status of negotiations with AFSCME stating that management will be meeting with them next week. Our actuary is working on identifying a means of projecting the cost savings of phasing out retiree health insurance. Ald. Teresinski asserted that our position going into negotiations is a 3-year, 100% phase out of retiree health insurance.

PERSONNEL 5 ILCS 120/2(c)(1) (Released: July 9, 2019)

Mr. Biernacki explained that an arbitrator ruled that the City's termination of an employee for shoplifting at Wal-Mart was improper. He has ordered him reinstated without back pay, he said. Mr. Biernacki asked for direction from Council as to whether or not to lay off the next person in line of seniority who would be affected because of the ruling. Ms. Didier explained that the arbitrator considered that the Water Department people go into houses in teams so that he wouldn't be a risk. After discussion and the recognition that the City has not budgeted for an additional employee the Council direction was to layoff the other employee.

Mr. Biernacki proposed an alternative to hiring an Economic Development Director. He suggested to the Council that Roger Hopkins be contracted for the promotion of retail in the City. This one year deal would be more cost effective than hiring an ED Director, he asserted. Ald. Gallagher said he believes that Mr. Hopkins did a good job at DCEDC when he was its Director. While some concern was expressed about a potential conflict of interest with other clients the consensus of the Council was to make Mr. Hopkins an offer.

Mr. Espiritu left the room at 9:30 p.m.

Mr. Biernacki outlined the process he recommends for the annual evaluation of his performance as City Manager. It would contain both a scoring and a narrative component, he said. He asked Council how they want to proceed. There was a consensus of the Council to maintain this approach.

ADJOURNMENT:

Ald. Simpson moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Naylor. Motion carried on voice vote. The closed session adjourned at 9:37 p.m.

Approved: April 9, 2012
Partial Release: July 9, 2018
Full Release: July 8, 2019

STEVE KAPITAN, City Clerk

Prepared by: DEANE WRIGHT, City Clerk

The seal of the City of DeKalb, Illinois, is a circular emblem. It features a central shield with a plow and a sheaf of wheat. The words "CITY OF DEKALB" are inscribed in a circle around the top, and "STATE OF ILLINOIS" is inscribed around the bottom. The year "1831" is visible on the right side of the seal.

**MINUTES
COMMITTEE OF THE WHOLE
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
February 28, 2011**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole on Monday, February 28, 2011 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 6:27 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. Bertrand Simpson, Ald. Tom Teresinski, Ald. Pam Verbic, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Lisa Kammes.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Dawn Didier, Assistant City Attorney and Steve Kapitan, City Clerk.

PENDING LITIGATION 5 ILCS 120/2 (c) (11)

Ms. Didier explained the status of the Ertl case. She advised Council that the Pension Board intends to appeal the judgment. At a previous closed session, she said, she had recommended that the City only appeal the attorney's fees, but believes the City should join the Union in the appeal of the entire judgment in order to show a united front with the Pension Board. She asked for Council direction. After much discussion, the consensus of Council was to join the Pension Board in the appeal.

Chief Harrison left the room.

CLOSED SESSION MINUTES 5 ILCS 120/2 (c)(21)

Mr. Kapitan advised Council that because Attorney Guess has been in the hospital, he has been unable to work with her on the closed session minutes. Council asked Mr. Kapitan why there is a delay in completing the minutes. Mr. Kapitan stated that the City Attorney must review the minutes and recommend whether to "hold" or "release" them. He added that he has a number of meetings completed for Council's review, and has approximately ten months of minutes to complete. Council suggested that he hire additional help. Mr. Kapitan stated that Diane Wright, Deputy Clerk could assist him, but it is a matter of her hours and balancing them.

Ald. Gallagher expressed concern that there are no "checks and balances" to insure that Mr. Kapitan is completing his tasks, and noted that he has no boss. Mayor Povlsen added that Mr. Kapitan is placing the City Council in jeopardy, and this has been an ongoing issue since October. Ald. Gallagher stated that the minutes must be done by April 30 and turned over to Legal for review. Ms. Didier stated that the statute states that once Council realizes that a semi-annual review hasn't been completed, the minutes must be completed within sixty (60) days from the time Council recognizes the delay. She added that Council has been aware of this delay since October. Ald. Baker stated that this is the first time he has been advised of this time

constraint. Ald. Gallagher stressed that Mr. Kapitan must have the minutes done in one week. Mayor Povlsen stated that the minutes must be completed; Mr. Kapitan said he will work with Ms. Didier.

PERSONNEL 5 ILCS 120/2(c)(1)

Mr. Espiritu advised Council that City Attorney Guess remains in ICU and he anticipates that it will be an extended stay. He added that Council may need to consider getting additional help in the Legal Department.

PENDING LITIGATION 5 ILCS 120/2 (c) (11)

Ms. Didier advised that the City has retained the services of Michael Bersani who has filed a Motion to Dismiss along with a counter claim against DeKaib Aviation.

ADJOURNMENT:

Ald. Simpson moved to adjourn the closed session of the Committee of the Whole; seconded by Ald. Naylor. Motion carried on voice vote. The closed session adjourned at 6:58 p.m.

STEVE KAPITAN City Clerk

Prepared by: DIANE WRIGHT City Clerk

Approved: April 9, 2012
Released: July 9, 2018

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
February 28, 2011**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday February 28, 2011 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 7:53 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. Bertrand Simpson, Ald. Tom Teresinski, Ald. Pam Verbic, Ald. Brendan Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Lisa Kammes.

Also present were: Rudy Espiritu, Assistant City Manager; Dawn Didier, Assistant City Attorney and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2 (c)(2)

Mr. Espiritu outlined the status of negotiations with AFSCME. He detailed AFSCME's proposal and council discussed at length the City's response. Additionally, Mr. Espiritu provided options to Council to consider phasing out health insurance for retirees. He added this has a \$36 million liability. Council discussed at length post-retirement benefits for employees and the elimination of health insurance or reduction in the coverage.

ADJOURNMENT:

Ald. Simpson moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Baker. Motion carried on voice vote. The closed session adjourned at 9:18 p.m.



STEVE KAPITAN, City Clerk

Prepared by: **DIANE WRIGHT**, City Clerk

Approved: April 9, 2012
Released: July 9, 2018

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
March 14, 2011**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday March 14, 2011 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 7:23 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. Tom Teresinski, Ald. Pam Verbic, Ald. Brendan Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Lisa Kammes. Absent: Ald. Bertrand Simpson

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Dawn Didier, Assistant City Attorney and Steve Kapitan, City Clerk.

SECURITY PROCEDURES 5 ILCS 120/2 (c)(8)

Mr. Biernacki outlined the current security procedures for City Council meetings. He noted that Chief Feithen is always present and armed; back door of Council Chambers is locked and there is a panic button. He asked if Council wanted to discuss any further security procedures based on events that have occurred in other communities. Chief Feithen added that if he anticipates a sensitive topic at meetings, he will have additional officers present in the audience. Council discussed the current procedures and the consensus was to look at them periodically. Chief Feithen suggested that the architect include in any drawings for a new City Hall a bullet-proof dais.

COLLECTIVE BARGAINING 5 ILCS 120/2 (c)(2)

Mr. Espiritu stated that he met with AFSCME and presented the City's proposal. Another meeting is scheduled next month. Additionally, he advised that FOP mediation is scheduled Thursday, and staff is asking for some flexibility in moving from the City's current position. Council discussed these issues at length.

PENDING LITIGATION 5 ILCS 120/2 (c) (11)

Ms. Didier advised Council that the City filed a Motion to Dismiss in the airport litigation as well as a counter claim.

PERSONNEL 5 ILCS 120/2(c)(1)

Mr. Biernacki discussed the very recent passing of Attorney Guess. He passed out information to Council regarding comparable cities and their use of in house and outside counsel. He asked for approval to begin the hiring process for a City Attorney. Council discussed at length the pros and cons of inside and outside attorneys, along with a combination. Council decided not to make a decision at this time, but to gather more information.

Ald. Gallagher suggested that the City look to consolidating more efforts with other cities, particularly Sycamore regarding services.

Mr. Espiritu left the room.

Mr. Biernacki stated that his evaluation is due and asked that Council complete the forms and return them to the Mayor. The Human Relations Director will prepare a composite report to be discussed at the March 28 meeting. Before leaving, Mr. Biernacki stated that this has been the most difficult year of his 31 years in municipal government. He stated that he has had professional relationships strained, personal relationships ruined and been sued. Despite that, he said, he always put the City first and proceeded with the objections of Council. He added that he navigated well the competing ideas and interests of Council Members. Finally, he gave Council a salary and compensation study with other City Managers.

Mr. Biernacki left the room.

Council discussed the evaluation form and Mayor Povlsen asked that they be returned to him by Friday.

ADJOURNMENT:

Ald. Kammes moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Naylor. Motion carried on voice vote. The closed session adjourned at 8:35 p.m.



Approved: April 9, 2012
Released: July 9, 2018

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
March 28, 2011**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday March 28, 2011 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 9:04 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. Tom Teresinski, Ald. Pam Verbic, Ald. Ronald Naylor, Ald. David Baker and Ald. Lisa Kammes. Absent: Ald. Bertrand Simpson. Absent: Ald. Brendan Gallagher.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Dawn Didier, Assistant City Attorney Bill Feithen, Police Chief; Laura Pisarcik, Finance/Purchasing Director and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2 (c)(2) (Released: July 8, 2019)

Mr. Espiritu advised Council on the mediation that recently occurred with FOP and stated that there was no agreement. He added that they gave notice that they plan to go to arbitration. Mr. Biernacki stated that it is likely a hearing will not be scheduled with an arbitrator for five-six months.

Mr. Espiritu provided a handout regarding a plan to phase out retiree health insurance and discussed options and costs. Council discussed at length the details and costs of all options.

PERSONNEL 5 ILCS 120/2(c)(1) (Released: July 8, 2019)

Council discussed management cost of living increases or a bonus and the impact on the budget. Mr. Biernacki stressed that they have been without any increase in salary for three years and have been impacted greatly by the reorganization. Additionally, Mr. Espiritu pointed out that the unions will be receiving COLA and asked that management be given an increase. Council agreed to authorize a 1.33% COLA for management.

Council discussed additionally asking management to adopt the proposed post-retirement insurance phase-out prior to the unions.

Mr. Biernacki asked that his evaluation be continued to another closed session when there is ample time to discuss it.

WORKER'S COMPENSATION 5 ILCS 120/2(c)(12) (Released: July 9, 2018)

Mr. Espiritu distributed a six-month report of worker's compensation cases through December 31, 2010. Council discussed the report and requested a comparison and recap of previous years for future reports.

PENDING LITIGATION 5 ILCS 120/2 (c) (11) (Released: July 9, 2018)

Ms. Didier explained a lawsuit regarding increased insurance premium costs which was filed by a retired police officer who was not bona fide when he retired. She stated that Bob Smith, Attorney will file a Motion to Remove to Federal Court because there is a federal count alleged in the complaint.

ADJOURNMENT:

Ald. Simpson moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Naylor. Motion carried on voice vote. The closed session adjourned at 10:08 p.m.

STEVE KAPITAN City Clerk

Prepared by: DIANE WRIGHT City Clerk

Approved: April 9, 2012
Partial Release: July 9, 2018
Full Release: July 8, 2019

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
April 11, 2011**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday April 11, 2011 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 8:38 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. Tom Teresinski, Ald. Pam Verbic, Ald. Brendan Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Lisa Kammes. Absent: Ald. Bertrand Simpson.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Dawn Didier, Acting City Attorney, Bruce Harrison, Fire Chief and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2 (c)(2) (Released: July 8, 2019)

Chief Harrison explained a proposed side letter with IAFF that would define hour's usage as one fixed rate for staffing an ambulance at NIU sporting events Chief Harrison stated that it would be approximately the same cost. Ald. Naylor asked if this would be overtime pay. Chief Harrison said that it would, but that the payment of the wages is pass-through of state money.

The consensus of the Council was to bring this proposal to a Regular City Council meeting.

A handout of proposed elements of a labor contract that has come out of direction from the Council was distributed to the Mayor and Council. Mr. Espiritu stated that the IAFF wants to work with the City to avoid layoffs.

Chief Harrison left the room at 9:10 p. m.

Mr. Espiritu updated the Council on status of the AFSCME negotiations. He explained AFSCME's counter proposal. Mr. Espiritu left the room at 9:49 p.m.

PERSONNEL 5 ILCS 120/2(c)(1) (Released: July 9, 2018)

With the Council members' evaluations of the City Manager having been compiled and scored this meeting is intended for Council discussion. Mr. Biernacki handed out an evaluation summary. He asked Council to consider whether or not his performance numbers fall again this year or if they are based on skewed numbers by a few Council members. He reviewed specific comments made by Council members on their evaluation forms commenting, countering and rebutting some of the comments on the forms.

Mr. Biernacki left the room at 9:59 p.m.

Council discussed Mr. Biernacki's performance. During this discussion there was considerable disagreement over Mr. Biernacki's performance as City Manager over the past year.

Ald. Simpson moved to recess for five minutes, seconded by Ald. Kammes. Motion passed by voice vote. The Mayor reconvened the meeting at 11:23 p.m. at which time Mr. Biernacki returned to the room.

Mayor Povlsen summarized the Council discussion as heated and stated that the evaluation stands as is. Mr. Biernacki asked directly if Council believed that his performance was eroding. Mayor Povlsen responded stating that some would say yes and some would say no.

Ald. Baker suggested having the Council members rate the comments on others' evaluation forms as "agree or disagree" in order to gauge where the Council is overall. Discussion of this idea ensued.

Mayor Povlsen asked Mr. Biernacki what would be helpful to him in deriving benefit from the evaluation. Mr. Biernacki stated that perhaps Ald. Baker's suggestion would be helpful. If the Council members would check off "agree/or disagree" regarding the others' comments it would give him a better idea of where he should focus his attention. Mayor Povlsen directed Mr. Biernacki to draw up a form he sees as appropriate and have HR distribute it to the Council to complete and return.

ADJOURNMENT:

Ald. Gallagher moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Teresinski. Motion carried on voice vote. The closed session adjourned at 11:47 p.m.



Approved: April 9, 2012
Partial Release: July 9, 2018
Full Release: July 8, 2019

**MINUTES
SPECIAL MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
April 18, 2011**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on April 18, 2011 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 8:44 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. Bertrand Simpson, Ald. Tom Teresinski, Ald. Pam Verbic, Ald. Brendan Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Lisa Kammes.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Dawn Didier, Assistant City Attorney and Steve Kapitan, City Clerk.

PERSONNEL 5 ILCS 120/2(c)(1)

Mr. Biernacki stated that he is seeking approval of an interim plan to hire legal services for the City until Council decides on a permanent approach. He said that in light of Dawn Didier's planned departure he proposes hiring a local firm or individual with expertise in prosecution for Monday morning court call, general municipal law and Workers Compensation. He expects that he would hire attorneys on an hourly basis. He asked for direction to proceed.

Ald. Baker suggested a few local attorneys and asked if any local firms have requested information about RFPs. Ms. Didier said that only one has asked about the RFP. Ald. Gallagher asked if we could use the State's Attorney for Monday court call; Ms. Didier said that would not be possible. Mr. Biernacki reiterated his call to hire individuals with specific expertise to meet the day to day needs.

Ald. Verbic asked why the City doesn't just replace Ms. Didier's position and added that the Council direction was to issue an RFP to replace only the City Attorney. Ms. Didier interjected that the Council talked about possibly replacing both attorneys after six months or a year. Mr. Biernacki said that because of the uncertainty created by the Council's interest in contracting with outside counsel it would be difficult to attract a good attorney. He recommended issuing an RFP for both attorneys because of this uncertainty. He suggested that when the RFPs come back, Council can decide to outsource both or none at all.

Ald. Teresinski stated that he favors issuing an RFP for both positions. Ald. Naylor advocated hiring both in-house. Ald. Verbic raised the question of staff loyalty. Ms. Didier took issue with the characterization of the legal department's competence by Council members.

Mayor Povlsen summarized his understanding of Mr. Biernacki's direction as hiring interim attorneys in the short run and issuing an RFP for both attorneys. Clerk Kapitan suggested that the

Council would need to vote in open session to change the direction they gave the staff in open session at a previous meeting. Mayor Povlsen and others agreed to put it on the agenda for the next meeting.

ADJOURNMENT:

Ald. Gallagher moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Simpson. Motion carried on voice vote. The closed session adjourned at 9:03 p.m.

The seal of the City of Decatur, Georgia, is a circular emblem. It features a central shield with a plow and a sheaf of wheat, symbolizing agriculture. Above the shield is a banner with the word "CITY". The outer ring of the seal contains the text "CITY OF DECATUR" at the top and "GEORGIA" at the bottom, separated by small stars.

STEVE KAPITAN, City Clerk

Prepared by: DIANE WRIGHT, City Clerk

Approved: April 9, 2012
Released: July 9, 2018

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
April 25, 2011**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday April 25, 2011 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 8:55 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. Tom Teresinski, Ald. Pam Verbic, Ald. Brendan Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Lisa Kammes. Absent: Ald. Bertrand Simpson

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Dawn Didier, Acting City Attorney; Bruce Harrison, Fire Chief and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2 (c)(2) (Released: July 8, 2019)

Mr. Espiritu explained that Interest Based Bargaining does not begin with dollar items so it is not initially costed out and suggested that this approach will probably get us an agreement with Fire before the other bargaining units. Ald. Teresinski said that at some point we will need to identify savings in the budget.

Mr. Espiritu summarized the initial AFSCME proposal in response to the City. He said that the City won't make a counter offer until retiree health insurance phase out is discussed.

CLOSED SESSION MINUTES 5 ILCS 120/2 (c)(21) (Released: July 9, 2018)

Clerk Kapitan stated that he does not have closed session minutes for review tonight but that he has made progress on them. He said that he has enlisted Diane Wright's help in catching up. Council members made suggestions for getting the minutes done in a timely fashion. Mayor Povlsen suggested using a laptop computer to take notes. Clerk Kapitan expressed a frustration in not being able to follow the discussion when Council refers to items printed on a handout that they are all looking at but that he was not given which would assist him in understanding the discussion.

PENDING LITIGATION 5 ILCS 120/2 (c) (11) (Released: July 9, 2018)

Ms. Didier explained the status of the Workers Compensation case of telecommunicator Donna Zenzen. She advised the Council of the pros and cons of filing an appeal. Mr. Biernacki asked what the cost of an appeal would be. Ms. Didier said that it would take 25 to 30 hours to write an appellate brief.

Mr. Espiritu left the room at 9:27 p.m.

Ald. Naylor asked about the Ertl case. Ms. Didier explained his filing against the Fire Pension

Board. She said that the next court date is June 15th. Mr. Biernacki said that we will probably have to hold over that date in order to update a new attorney.

PERSONNEL 5 ILCS 120/2(c)(1) (Released: July 9, 2018)

Mr. Biernacki thanked Ald. Gallagher and Ald. Kammes for meeting with him and amending their comments. He said that they asked him to put notes to file on four remaining negative comments that were in his evaluation. Mayor Povlsen stated that the scoring numbers on the evaluation stand. Ald. Naylor said that he rescinds his previous agreement with the reviews discussed at the last closed session meeting.

PENDING LITIGATION 5 ILCS 120/2 (c) (11) (Released: July 9, 2018)

Ald. Naylor asked if there is any way that we can get the information out to the public about some of these Workers Comp cases. Ald. Teresinski suggested regular reports about the cases without names. Ms. Didier said that the checks that are paid out of the Workers Comp fund are available with names to the public under FOIA.

ADJOURNMENT:

Ald. Simpson moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Naylor. Motion carried on voice vote. The closed session adjourned at 9:38 p.m.



Approved: April 9, 2012
Partial Release: July 9, 2018
Full Release: July 8, 2019

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
May 9, 2011**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on May 9, 2011 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendan Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Mark Biernacki, City Manager; Peter Smith, Interim City Attorney; T. J. Moore, Public Works Director, Joel Maurer, City Engineer, Bill Feithen, Police Chief and Steve Kapitan, City Clerk.

PURCHASE OR LEASE OF REAL PROPERTY 5 ILCS 120/2 (c)(5) (Released: July 9, 2018)

Mr. Maurer explained that in order to complete the Bethany Road bridge project the City would have to acquire easements on both the East and West sides of the Kishwaukee River flood plane from the Rosenow family. While these easements are expected to cost about \$1,500 and \$12,500, establishing the compensation for them, the City must follow fed appraisal process, he said. Ald. Teresinski asked if the Rosenow home will remain; Mr. Maurer said that it would. Mr. Biernacki stated that the staff would bring back an appraisal. Mr. Moore and Mr. Maurer left the room at 8:37 p.m.

COLLECTIVE BARGAINING 5 ILCS 120/2 (c)(2) (Released: July 8, 2019)

Mr. Biernacki explained that the decision about whether or not to seek a COPS grant has collective bargaining implications. This federal grant would pay a new officer's salary for three years, he added. But he said that in recent years the City has not pursued this grant because it requires the City to retain the officers for some time after the end of those three years. At the same time the collective bargaining agreement with the FOP requires any layoffs be of those with the least seniority. He asked for Council's direction on whether or not to pursue the grant.

Ald. Lash stated that she believes that the City needs more officers. Chief Feithen stated that he needs the officers this fall and would likely be before the grant. With recent and expected retirements he said we would be down eight officers. Further discussion of the risks and benefits ensued. Mayor Povlsen declared that there appears to be a consensus to ask for three officers in the grant. Mr. Naylor asked if this would come before the Council for a vote. Mr. Biernacki stated that he would administratively apply for this grant.

Ald. Teresinski wants Council to consider including an incentive in the collective bargaining agreement to entice officers to move into the City and suggested a relocation policy that pays relocation costs that often includes closing costs in the purchase or sale of a home. Mr. Biernacki

said that he would talk to our labor attorney about where we fits into negotiations and bring it back, either as a part of the negotiations or in open session as a City policy.

Mayor Povlsen directed that the door be opened. Ald. Jacobson moved that the meeting be extended past 9:00 p.m. Ald. Lash seconded the motion. Motion passed on a voice vote.

REVIEW OF CLOSED SESSION MINUTES 5 ILCS 120/2(c)(21): (Released: July 9, 2018)

Clerk Kapitan stated that he did not have minutes prepared to provide Attorney Smith for his review and recommendation of release or hold.

COLLECTIVE BARGAINING 5 ILCS 120/2 (c)(2): (Released: July 8, 2019)

Mr. Biernacki explained that DeKalb is one of only a few comparable communities in the area that offers subsidized health insurance in retirement and that the City Council wishes to phase out this benefit. Such a phase out, he said would have to be negotiated with the three City employee bargaining units. He added that Council could act with regard to management without such negotiations. He then summarized the numerous options and associated costs in phasing out this retiree insurance benefit which are spelled out in a handout distributed at the meeting.

Ald. Teresinski said that phasing out this benefit is suggested in the EPI Report. He added that current retirees are guaranteed the benefits under their contract when they retired. Ald. Gallagher stated that the underfunded pension is more of a priority. Further discussion ensued.

Mr. Biernacki stated that in order to best position ourselves for possible arbitration, our labor attorney, Bob Smith, advised that before going to arbitration, we need to impose on management the same health insurance change which we would propose for a collective bargaining unit. Mr. Biernacki suggested that we wait until just before arbitration to make the change.

Mr. Biernacki explained that the law allows the City to establish a contingency budget in the event that revenues from the State income tax were withheld. This, he said, would require layoffs. The fear of layoffs that such a contingency budget would create would, he believes, interfere with collective bargaining negotiations. He recommended not doing a contingency budget. Discussion revealed a consensus support for the request.

PERSONNEL 5 ILCS 120/2(c)(1)

Mr. Biernacki identified a Police Lt. Spangler e-mail complaint about management pay discrepancies with the union employees. Clerk Kapitan asked if this is appropriate for closed session. Mr. Smith said that a discussion is allowed, but not a vote. Mr. Biernacki suggested that an outside management pay plan study is needed. He added that this would be discussed in open session as this is a part of the draft budget.

Mr. Biernacki stated that three aldermen asked that the choice of in-house versus outside counsel to replace the late City Attorney, Norma Guess be brought back for discussion. Ald. Baker raised the question as to whether or not this is allowed in closed session. Mr. Smith stated that this is allowed in closed session as a personnel matter. Mr. Biernacki summarized the evolution of events following Ms. Guess' death.

Mr. Smith, after being asked his opinion said that he felt there was an excess of cost on salaries with two in-house attorneys. He added that the City already has outside counsel for specialty expertise. Mr. Biernacki suggested Council form a selection committee rather than discussing the choices in public. Ald. Lash suggested that this is being treated as a bid rather than an examination of options by the Council. Mayor Povlsen suggested that if three aldermen want this back on the agenda at the Committee of the Whole at the next meeting that they inform Mr. Biernacki.

ADJOURNMENT:

Ald. Lash moved to adjourn the closed session of the Regular Meeting; seconded by Ald. O'Leary. Motion carried on voice vote. The closed session adjourned at 10:28 p.m.

STEVE KAPLAN, City Clerk

Prepared by: DIANE WRIGHT, City Clerk

The seal of the City of DeKalb, Illinois, is a circular emblem. It features a central shield with a landscape scene, including a sun, a river, and a bridge. The words "CITY OF DEKALB" are arched over the top of the shield, and "ILLINOIS" is arched along the bottom. The year "1831" is inscribed at the very bottom of the seal.

Approved: April 9, 2012
Partial Release: July 9, 2018
Partial Release: July 8, 2019
Full Release: December 13, 2021

**MINUTES
CLOSED SESSION
SPECIAL JOINT MEETING
OF CITY COUNCIL AND FINANCE ADVISORY COMMITTEE
OF THE
CITY OF DEKALB**

May 17, 2011

The City Council of DeKalb, Illinois, held a closed session during the Special Joint Meeting on Tuesday May 17, 2011 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Special Joint Meeting of the same day.

The closed session started at 9:00 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Brendan Gallagher, Ald. Ronald Naylor and Ald. Monica O'Leary. Absent: Ald. Kristen Lash and Ald. David Baker.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Bruce Harrison, Fire Chief and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2 (c)(2)

Mr. Espiritu updated Council on the progress of the Interest Based Bargaining with the IAFF. He said that it appears to be building trust and generating realistic proposals.

Regarding health insurance in retirement Chief Harrison stated that the IAFF is trying to protect insurance for half of there members while giving some concessions. Ald. Naylor pointed out the recent IAFF wage increases were better than the other bargaining units. Mr. Espiritu said that it is his goal to get everyone to concur with the EPI recommendations on health insurance. Ald. Teresinski suggested that pensions should be a part of the analysis in setting compensation levels.

ADJOURNMENT:

Ald. Jacobson moved to adjourn the closed session of the Special Joint Meeting; seconded by Ald. O'Leary. Motion carried on voice vote. The closed session adjourned at 10:01 p.m.

Prepared by:

Approved: April 9, 2012
Released: July 8, 2019

STEVE KAPITAN, City Clerk

DIANE WRIGHT, City Clerk

The seal of the City of DeKalb, Illinois, is circular. It features a central emblem with a plow and a sheaf of wheat, symbolizing agriculture. The words "CITY OF DEKALB" are inscribed around the top inner edge, and "STATE OF ILLINOIS" around the bottom inner edge. The outermost ring contains the text "SEAL OF THE CITY OF DEKALB, ILLINOIS".

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
May 23, 2011
RECONVENED MAY 24, 2011**

The City Council of DeKalb, Illinois, continued the Closed Session of the Regular Meeting of May 23, 2011 to May 24, 2011 at 6:00 p.m.

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting of Monday, May 23, 2011 which was reconvened Tuesday May 24, 2011 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

Council Members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. David Baker and Ald. Monica O'Leary. Absent were Ald. Brendon Gallagher (arrived at 6:15 p.m.) and Ald. Ronald Naylor (arrived at 6:35 p.m.).

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Peter Smith, City Attorney; Bill Feithen, Police Chief, Bruce Harrison, Fire Chief and Steve Kapitan, City Clerk.

PERSONNEL 5 ILCS 120/2(c)(1) (Released: July 9, 2018)

Chief Feithen advised Council that the upcoming Police Academy training is starting. He added that if two officers aren't hired soon, the next session is not until October. These hires would be intended to replace two retirements that are anticipated this summer.

Ald. Gallagher arrived at 6:13 p.m.

Discussion ensued on how these hires would affect pension costs and how they would fit into the collective bargaining with FOP. Chief Harrison advised the Council on the anticipated retirements in the Fire Department and would also need to hire two additional firefighters to maintain the 13-minimum staffing. Mr. Biernacki asked for authorization to hire, under his authority, the personnel requested by the each of the Chiefs. No one objected to the hiring.

Chief Feithen left the meeting at 6:18 p.m.

COLLECTIVE BARGAINING 5 ILCS 120/2(2) (Released: July 8, 2019)

Mr. Espiritu asked that Council not discuss contract negotiations with employees and to notify management if they are asked any questions by employees. These interactions could be seen as an unfair labor practice, he said.

Mr. Espiritu provided Council with a handout regarding the latest proposal in the Firefighter contract negotiations and updated them on the progress. Mr. Espiritu advised Council on

AFSCME's position on retiree health insurance and summarized comps from other communities.

Ald. Naylor arrived at 6:35 p.m.

Chief Harrison left the meeting at 7:02 p.m. Ald. Lash left the room at 7:02 p.m.; returned at 7:04 p.m.

PERSONNEL 5 ILCS 120/2(c)(1) (Released: July 9, 2018)

Mr. Biernacki stated that AFSCME has filed a grievance regarding three layoffs of AFSCME personnel and the outsourcing of replacements. He summarized a handout proposal to bring back one engineering tech to drop the grievance. He added that the outsourcing is costing more than what the employee would cost.

Mr. Espiritu left the room at 7:08 p.m.; returned at 7:10 p.m.

Mr. Biernacki acknowledged a consensus to deny the grievance.

COLLECTIVE BARGAINING 5 ILCS 120/2(2) (Released: July 8, 2019)

Council discussed Ald. Teresinski's proposed to offer relocation costs for new Police hiring. Mr. Smith suggested that it would become a contract benefit and the other bargaining units would want the same.

Mayor Povlsen left the meeting at 7:17 p.m.; returned at 7:19 p.m.

WORKER'S COMPENSATION 5 ILCS 120/2(c)(12) (Released: July 9, 2018)

Mr. Espiritu advised that settlements have been offered to employees for claims. Mr. Smith stated that the employees have not yet engaged attorneys. The two claims are for arm and shoulder injuries, he said. One is for carpal tunnel and the other is for a shoulder injury from lifting a mail bin. Council's direction was to settle the claims.

PENDING LITIGATION 5 ILCS 120/2(c)(11) (Released: July 9, 2018)

Mr. Biernacki discussed the lawsuit with DeKalb Aviation and stated that Mr. Steve Milner advised that Mr. Kling wants to move forward with a business relationship with Steve Milner and possibly settle the lawsuit. Mr. Smith added that no formal offer has been made at this time but Council may want to consider settling at some point. Ald. Naylor asked about the suit against Tom Cleveland. Mr. Smith explained that it is a claim of unequal treatment by a government entity. Mr. Biernacki stated that if we get a dismissal from federal court based on our position that this is a contractual dispute, our leverage would be greater if it was moved to state court.

CLOSED SESSION MINUTES 5 ILCS 120/2 (c)(21) (Released: July 9, 2018)

Clerk Kapitan gave an update on the status of closed session minutes. The Council urged Mr. Kapitan to get caught up on the minutes.

ADJOURNMENT:

Ald. Teresinski moved to adjourn the closed session of the reconvened Regular City Council

Meeting of May 23, 2011; seconded by Ald. Jacobson. Motion carried on voice vote. The closed session adjourned at 7:43 p.m.

STEVE KAPITAN, City Clerk

Prepared by: DIANE WRIGHT, City Clerk

The seal of the City of DeKalb, Illinois, is a circular emblem. It features a central shield with a plow and a sheaf of wheat. The words "CITY OF DEKALB" are inscribed in a circle around the top, and "STATE OF ILLINOIS" around the bottom. The letters "S" and "S" are positioned on the left and right sides of the shield respectively.

Approved: April 9, 2012
Partial Release: July 9, 2018
Full Release: July 8, 2019

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
June 13, 2011**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, June 13, 2011 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 9:20 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager, Peter Smith, City Attorney; Bruce Harrison, Fire Chief and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2) (Released: July 8, 2019)

Mr. Espiritu explained that City employees see years of service as the important standard rather than years to retirement. He went on to explain the IAFF phase-out offer which provides for retiree insurance with twenty (20) years of service at age 55. Mr. Biernacki outlined suggestions in the Council's meeting handout. Mr. Espiritu noted that the IAFF hired an actuary to run the numbers and he will share this information with Council.

Chief Harrison left the meeting at 9:43 p.m.

PERSONNEL 5 ILCS 120/2(c)(1) (Released: July 8, 2019)

Mr. Biernacki stated the requests for proposals for attorney services have come in and that hiring legal counsel is allowed in closed session. He advised that one applicant stated they would withdraw if the process became public. Options for discussion by Council, he said, would require a series of closed sessions of the whole Council or two (2) Council Members sitting on a committee to bring back one final recommendation. Discussion of the options on the Council's confidential memo ensued. Council addressed the budget for attorney services, outsourcing all or part of legal services, and the duties required.

During the discussion Ald. Gallagher suggested that whoever is hired should be within the budget established this year. Mr. Biernacki listed litigation, Workers Compensation and labor for which the City is using outside counsel. Ald. Baker suggested that the City avoid the firm that serves as Cortland's legal counsel because of possible conflict of interest.

Mayor Povlsen summarized that the consensus of Council was to appoint a committee with Ald. Teresinski and Ald. Gallagher recommending two or three candidates for Council consideration in a future closed session.

PENDING LITIGATION 5 ILCS 120/2(c)(11) (Released: July 9, 2018)

Mr. Smith updated Council on the lawsuits regarding the airport and the recently filed case against Tom Cleveland alone. The Cleveland suit is an equal protection case, he said. Mr. Smith stated that Mr. Bersanni, the City's attorney in the case, feels that there are good reasons for the federal case being dismissed. Mr. Smith updated Council on the Ertl litigation summarizing three different cases and each of their statuses. He explained the Longs' case on health insurance that asserts that family members of a retired employee are entitled to coverage. Mr. Smith responded to Ald. Naylor's question by explaining the appeals process in federal court.

ADJOURNMENT:

Ald. Jacobson moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Lash. Motion carried on voice vote. The closed session adjourned at 10:40 p.m.

STEVE KAPITAN City Clerk

Prepared by: DEANE WRIGHT City Clerk

Approved: April 9, 2012
Partial Release: July 9, 2018
Full Release: July 8, 2019

**MINUTES
CLOSED SESSION
SPECIAL MEETING CITY COUNCIL
OF THE
CITY OF DEKALB**

June 20, 2011

The City Council of DeKalb, Illinois, held a closed session during a Special Joint Meeting on Monday, June 20, 2011 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Special Joint Meeting with the Finance Advisory Committee on the same day.

The closed session started at 7:58 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson (arrived at 8:02 p.m.), Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager, Bruce Harrison, Fire Chief and Steve Kapitan, City Clerk.

PERSONNEL 5 ILCS 120/2(c)(1)

Mr. Biernacki advised that Chief Harrison is requesting permission to hire two positions to offset retiring employees. Ald. Naylor asked if they would be hired under the new contract. Chief Harrison stated that he expected contract negotiations to be concluded prior to hiring these employees.

Ald. Jacobson arrived at 8:02 p.m.

Ald. Teresinski commented that they should not be hired under the current contract, even if it means delaying the hiring process. Chief Harrison noted that the hiring process could take four months and asserted that we won't hire if we don't have a contract. Ald. Lash raised a concern that if arbitration is necessary, the hiring could be delayed up to one year. She also asked if the contract is back dated to July 1st would the new hires also be back dated. Ald. Teresinski suggested getting an opinion from the City's labor attorney on this question.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2)

Mr. Espiritu provided charts to the Council on the AFSCME and IAFF negotiations and summarized the proposed City offer for IAFF. The consensus of Council was to offer Mr. Biernacki's 1A option with 3A as a "landing point."

Mr. Espiritu briefly summarized the options for AFSCME negotiations. Additionally, he provided Council with a handout on the Interest Based Bargaining with IAFF and summarized the elements of the proposed City's counter offer. Discussion continued.

Ald. Teresinski suggested that Bob Smith, Labor Attorney, attend a meeting to discuss options. Mr. Biernacki stated that he would contact Mr. Smith to attend a future meeting.

ADJOURNMENT:

Ald. Gallagher moved to adjourn the closed session of the Special Meeting; seconded by Ald. Lash. Motion carried on voice vote. The closed session adjourned at 9:13 p.m.

Prepared by:

Approved: April 9, 2012
Released: July 8, 2019

STEVE KAPLAN, City Clerk



DIANE WRIGHT, City Clerk

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
June 27, 2011**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday June 27, 2011 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendan Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Mark Biernacki, City Manager; Peter Smith, Interim City Attorney; Bruce Harrison, Fire Chief and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2 (c)(2) (Released: July 8, 2019)

Mr. Espiritu met with AFSCME and IAFF separately and made the same offer (MTB 1-A) of health insurance in retirement. Mr. Espiritu explained that the City is obligated to fund health insurance past age 65 for firefighters hired before 1986 since they don't pay into Medicare.

IAFF countered with a proposal that is getting closer to what the Council is seeking. He reminded Council that we should come to agreement with one of the bargaining units before we go to arbitration with FOP. Ald. Gallagher suggested going to option 9 as the final before going to arbitration.

Mayor Povlsen opened the door momentarily to extend the meeting past 9:00 p.m. Ald. Lash moved to extend the meeting, seconded by Ald. Jacobson. Motion carried on a voice vote.

Further discussion on the insurance options ensued.

Ald. Lash left the room at 9:27 p.m.

Mr. Espiritu listed the items of disagreement between the City and IAFF. Ald. Teresinski asked that the counter proposal for IAFF be costed out if it were applied to AFSCME.

Chief Harrison left the room at 9:35

Mr. Biernacki explained that the opinion of our labor attorney is that we cannot impose changes on retirees before we come to an agreement with a bargaining unit. He went on to explain the arbitration process.

PERSONNEL 5 ILCS 120/2(c)(1) (Released: July 8, 2019)

Mr. Biernacki informed the Council that the selection legal counsel search sub-committee has narrowed the selection to four finalists. The committee will bring two finalists to Council for a closed session evaluation.

WORKERS COMPENSATION 5 ILCS 120/2 (c) (12) (Released: July 9, 2018)

Mr. Biernacki stated that our Workers Comp attorney recommends a settlement in the Ted Woodin case. A consensus of the Council supported settling the case.

Mr. Smith advised the Council that the plaintiffs in the Rodney Long case regarding retiree health insurance are dropping the civil rights complaint and returning it to state court. This eliminates City exposure to attorney fees. Ald. Teresinski expressed concern about the potential for a class action lawsuit. Peter Smith said that one has not been filed, but the City may at some point want to settle.

Mr. Smith explained the status of the DeKalb Aviation suit. Norma Guess and her estate are now out of the suit. DeKalb Aviation has offered to settle for \$650K. Mr. Biernacki suggested offering \$30,000 at most. Mr. Smith explained why the disparate treatment argument is not likely to succeed according to the City's attorney in this case. Mr. Smith advised that we will know in 60 to 90 days if we get a dismissal. We would likely prevail in the contract dispute in state court according to our attorney, Mr. Bersani, Mr. Smith said.

REVIEW OF CLOSED SESSION MINUTES 5 ILCS 120/2(c)(21): (Released: July 9, 2018)

Council reviewed for release or retention the unreleased closed session minutes. There was a consensus of the Council to release those closed session minutes recommended for release.

ADJOURNMENT:

Ald. Jacobson moved to adjourn the closed session of the Regular Meeting; seconded by Ald. O'Leary. Motion carried on voice vote. The closed session adjourned at 10:09 p.m.

STEVE KAPTAN, City Clerk

Prepared by: DIANE WRIGHT, City Clerk

Approved: April 9, 2012
Partial Release: July 9, 2018
Full Release: July 9, 2019

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
July 11, 2011**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, July 11, 2011 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 8:20 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson (arrived at 8:22 p.m.), Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager, Bruce Harrison, Fire Chief, Peter Smith, City Attorney; and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2) (Released: July 8, 2019)

Mr. Espiritu advised that IAFF countered with an offer to the City's counteroffer and summarized them for Council. He added that this is the last step prior to arbitration.

Ald. Jacobson arrived at 8:22 p.m.

Mr. Espiritu explained the health insurance offers of both the IAFF and the City. Ald. Gallagher commented that outsourcing of EMTs could be an option in the future. Ald. Teresinski stated that it is essential to have language that allows for that. Chief Harrison stated that fires require that a certain number of people are present even if the EMT is removed. Mayor Povlsen asserted that staff has direction to move ahead with the minimum staffing negotiations.

Chief Harrison left the meeting at 8:52 p.m.

Mr. Espiritu stated that AFSCME is aware that movement on the IAFF contract is occurring and they want to move forward on their contract. Ald. Naylor expressed concern that the contract is moving from a two year agreement to three years.

PENDING LITIGATION 5 ILCS 120/2(c)(11) (Released: July 9, 2018)

Mr. Smith updated Council on litigation and advised that there is no change in the Long case. In the airport cases the City's attorney Bersani thinks that the other party may be willing to offer a settlement. But with the City's dismissal motions pending, the ball is in their court, he added.

CLOSED SESSION MINUTES 5 ILCS 120/2(c)(21) (Released: July 9, 2018)

Mr. Kapitan advised that he is modifying the past (not yet approved) minutes to be less detailed in order for them to be able to more readily be released. He advised that he will have some ready for review at the next meeting.

ADJOURNMENT:

Ald. Gallagher moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Jacobson. Motion carried on voice vote. The closed session adjourned at 9:00 p.m.

STEVE CAPTEAN, City Clerk

Prepared by: DIANE WRIGHT, City Clerk

Approved: April 9, 2012
Partial Release: July 9, 2018
Full Release: July 8, 2019

**MINUTES
SPECIAL MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB**

July 14, 2011

The City Council of DeKalb, Illinois, held a closed session during a Special Meeting on Thursday, July 14, 2011 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Special Meeting on the same day.

The closed session started at 6:37 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Ronald Naylor (arrived at 6:40 p.m.), Ald. David Baker and Ald. Monica O'Leary. Absent was Ald. Brendon Gallagher.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager, Bob Smith, City Labor Attorney and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2(C)(2) (Released: July 8, 2019)

Mr. Biernacki introduced Mr. Bob Smith, Labor Attorney for the City. Mr. Smith explained the Illinois insurance continuation law requires that the City offer the same plans as that which the retired employees had when they were employed; but that the retiree would pay the full premium.

Ald. Naylor arrived at 6:40 p.m.

Mr. Smith further explained that it must be the same coverage if the retiree pays the full premium. Beyond that you can bargain over health insurance benefits that the City and the unions might agree to. He added that existing retirees' expectations of benefits would likely be upheld under a court challenge if the City reduced those benefits.

Mr. Smith noted that the City's effort to reduce future liability through negotiations is a better route than arbitration that tends not to make any "breakthrough" rulings. He added if the City can achieve a below average wage settlement and insurance changes, minimum staff may need to be looked at. He added that it would be beneficial to add some escape language such as loss of revenue, closing of a fire station, long term disability, etc. which would enable the City to manage a minimum staffing requirement in a reasonable manner. He stated that the Normal, Illinois package is worth considering since he didn't think the City could get that in arbitration. Mr. Smith asserted that the breakthrough bargain on both sides would be insurance concessions by IAFF and management allowing a minimum staffing provision. Ald. Teresinski pointed out that DeKalb is behind other cities in eliminating retiree health insurance.

Mr. Smith noted that many cities are using minimum staffing as leverage to allow other items in

contracts. Further questions and discussion ensued regarding minimum staffing and how it could be done without interfering with management of the Fire Department or unduly burdening the City. Mayor Povlsen asserted that there was a consensus to have Chief Harrison craft language for a minimum staffing provision for the Council to consider.

Ald. Baker left the meeting at 7:43 p.m.

Chief Harrison stated that the Council would be in a position to decide if minimum staffing, properly crafted, would be worth conceding in order to obtain cost savings in retiree health insurance.

ADJOURNMENT:

Ald. Naylor moved to adjourn the closed session of the Special Meeting; seconded by Ald. Lash. Motion carried on voice vote. The closed session adjourned at 7:45 p.m.

Prepared by:

STEVE KAPITAN, City Clerk

DIANE WRIGHT, City Clerk

Approved: April 9, 2012
Released: July 8, 2019

**MINUTES
COMMITTEE OF THE WHOLE MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
July 25, 2011**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on Monday, July 25, 2011 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 6:53 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. David Baker and Ald. Monica O'Leary. Absent: Ald. Ronald Naylor.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager, Peter Smith, Interim City Attorney and Steve Kapitan, City Clerk.

PENDING LITIGATION 5 ILCS 120/2(c)(11)

Mr. Smith updated the Council on several pending cases. The court dismissed Ertl's suit against the Fire Pension Board and his appeal was denied for a lack of standing, he said. The Long case regarding retiree health insurance is in the discovery phase, he said. Discovery of documents is underway in the airport cases of DeKalb Aviation and Midwest Flight Academy, he reported. The City was added as a defendant in a case against IDES of a Carlson trying to overturn a denial of unemployment benefits.

CLOSED SESSION MINUTES 5 ILCS 120/2 (c)(21)

Clerk Kapitan stated that he was working on minutes for late 2010. Ald. Gallagher pressed Kapitan to get the minutes done.

ADJOURNMENT:

Ald. Teresinski moved to adjourn the closed session of the Committee of the Whole Meeting; seconded by Ald. Gallagher. Motion carried on voice vote. The closed session was adjourned at 6:59 p.m.

STEVE KAPITAN, City Clerk

Prepared by: DIANE WRIGHT, City Clerk

Approved: April 9, 2012
Released: July 9, 2018

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
JULY 25, 2011**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday July 25, 2011 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendan Gallagher, Ald. David Baker and Ald. Monica O'Leary. Absent: Ald. Ronald Naylor.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Peter Smith, Interim City Attorney and Steve Kapitan, City Clerk.

PERSONNEL 5 ILCS 120/2(c)(1)

Mr. Biernacki summarized the rankings outlined in a confidential memo to Council the four firms that the legal counsel search sub-committee chose as finalists. He described the options for choosing a firm from this point forward and asked for Council's direction.

Ald. Lash suggested that we should decide on the structure that we want in open session. Mr. Biernacki stated that we would not want to reveal in open session the details of competitors. Ald. Lash persisted stating that four members of the Council wanted to consider at least one in-house attorney. Ald. O'Leary asked if 40 hours per week is required of the City Attorney. Mr. Biernacki replied affirmatively. He emphasized the need for workers comp cases. He pointed out that an in house attorney could be the gate keeper of outside counsel services. Ald. O'Leary stated that having an outside attorney firm we would have access to a lot of expertise.

The Council discussed options of which firms to interview as finalists in closed session. They chose the firms Mickey Wilson and Klein Thorpe Jenkins.

COLLECTIVE BARGAINING 5 ILCS 120/2 (c)(2)

Mr. Espiritu explained that our labor attorney, Bob Smith is crafting language for the minimum manning clause being negotiated in the labor agreement with IAFF. Mr. Espiritu asked for clarity about last weeks' direction. He said that he thought that the economics that were agreed as long as we could agree to the language on minimum staffing. Objection was not heard.

ADJOURNMENT

Ald. O'Leary moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Jacobson. Motion carried on voice vote. The closed session adjourned at 8:55 p.m.

Prepared by:



**MINUTES
COMMITTEE OF THE WHOLE MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB**

August 8, 2011

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on August 8, 2011 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 6:30 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendan Gallagher, Ald. David Baker and Ald. Monica O'Leary. Absent: Ald. Ronald Naylor.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Peter Smith, Interim City Attorney; Bruce Harrison, Fire Chief and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2(2):

Mr. Biernacki informed the Council that, after meeting with the IAFF representatives and both parties' attorneys, management has made progress on the minimum staffing language. We have been able to retain the escape clauses that would be triggered by external circumstances, he said.

Mr. Espiritu gave an update on the negotiations with AFSCME. He said that the union asked the City for the savings numbers the City is seeking. He said that he plans to give them the numbers and challenge them to come up with ideas to achieve those savings numbers. Ald. Gallagher stated that he thinks that it is still important to come to an agreement with IAFF before AFSCME.

Mr. Espiritu stated that FOP's attorney informed the City's attorney that they are pushing arbitration back to January. Mayor Povlsen asked about how much retro pay that might involve. Mr. Espiritu said that at a 1% increase that would come to approximately \$30,000.

PERSONNEL 5 ILCS (120/1(1):

Mr. Biernacki reminded the Council of the special meeting tomorrow night to interview the two finalist attorney firms. He asked if it would be Council's preference for him to draw up a list of questions based on the committee's interviews of the candidates. Hearing no disagreement the Mayor declared that to be the approach.

Mr. Biernacki distributed a handout to the Council for discussion of changes to Chapter 3 employees (management). He suggested giving management employees a choice between the options. Lash asked why not give them Normal 3. Discussion of the saving with the various options ensued.

Mr. Biernacki pointed out that the Council has more time to decide Chapter 3 changes since FOP arbitration is delayed until January. Ald. Teresinski suggested waiting on management changes at least until Fire is concluded.

ADJOURNMENT:

Ald. Teresinski moved to adjourn the closed session of the Committee of the Whole Meeting; seconded by Ald. Lash. Motion carried on voice vote. The closed session adjourned at 7:02 p.m.

Prepared by:

Approved: April 9, 2012
Released: July 8, 2019

STEVE KAPITAN, Clerk



DIANE WRIGHT, Clerk

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
August 8, 2011**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday August 8, 2011 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 8:06 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson (entered room 8:10 p.m.), Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendan Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Mark Biernacki, City Manager; Peter Smith, Interim City Attorney; Rudy Espiritu, Assistant City Manager and Steve Kapitan, City Clerk.

PERSONNEL 5 ILCS 120/2(c)(1) (Released: July 8, 2019)

Mr. Biernacki asked the Council if there is any other information that they need in considering the phase out of retiree health insurance for management. Ald. Lash stated that she would like to see a blend of options. Ald. Teresinski said that he is concerned that we are doing something unique for management by bringing individuals circumstances into the process.

PENDING LITIGATION 5 ILCS 120/2 (c) (11) (Released: July 9, 2018)

Mr. Biernacki announced an update on one of the two airport suits. He stated that the DeKalb Aviation vs. City of DeKalb and Mark Biernacki was dismissed in federal court. This came the day after DeKalb Aviation reduced its demand for settlement to \$150,000 from \$600,000, he said. Mr. Biernacki said he spoke with City attorney Barsani who believes that Mr. Kling's attorney will file in state court as the federal judge stated that he didn't think that it belonged in federal court. Mr. Smith added that the civil rights counts can't be filed in state court and doubts that it will be overturned if appealed. But, he added that the other counts can be filed in state court. Recovery of attorney costs will not carry over into state court he said.

CLOSED SESSION MINUTES 5 ILCS 120/2 (c)(21) (Released: July 9, 2018)

Clerk Kapitan spoke about the delay in producing the backlog of closed session minutes and addressed the impediments to completing the task. He cited personal obstacles. Council members asked about finding alternative means of getting caught up on the minutes. Mr. Biernacki stated that there is money in the Clerk's budget to hire additional personnel. Clerk Kapitan explained that he believes that a personal medical issue is contributing to the problem.

Mr. Biernacki and Mr. Espiritu left the room at 8:24 p.m.

Clerk Kapitan cited the loss of a full-time person in his office last year as a factor combined with his personal circumstances as contributing to the minutes' backlog. Council discussed additional

personnel support options. Council directed the Mayor to manage the situation and work with Mr. Kapitan to resolve this backlog.

ADJOURNMENT:

Ald. Teresinski moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Lash. Motion carried on voice vote. The closed session adjourned at 8:29 p.m.

Approved: April 9, 2012
Partial Release: July 9, 2018
Full Release: July 8, 2019

STEVE KAPITAN City Clerk

Prepared by: DIANE WRIGHT City Clerk

The seal of the City of Dekalb, State of Illinois, is a circular emblem. It features a central shield with a plow and a sheaf of wheat. The shield is surrounded by a wreath. The words "CITY OF DEKALB" are inscribed in a circle around the top, and "STATE OF ILLINOIS" is inscribed around the bottom. The seal is positioned between two horizontal lines that serve as a signature area.

**MINUTES
SPECIAL MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB**

August 9, 2011

The City Council of DeKalb, Illinois, held a closed session during a Special Meeting on Tuesday, August 9, 2011 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Special Meeting on the same day.

The closed session started at 6:06 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson (arrived at 6:25 p.m.), Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, and Ald. Monica O'Leary. Absent were Ald. Ronald Naylor and Ald. David Baker. The meeting was video taped for review by the absent aldermen.

Also present were: Mark Biernacki, City Manager; Mary Jo Harms, Legal Assistant, Peter Smith, City Attorney, and Steve Kapitan, City Clerk.

PERSONNEL 5 ILCS 120/2(c)(1)

Mr. Biernacki introduced Attorneys Peter Wilson, Dean Frieders, and Steven Andersson of Mickey, Wilson, Weiler, Renzi & Andersson Law Firm.

Mr. Wilson provided an overview of the firm's experience. Mr. Frieders suggested that the firm's litigation experience would be an asset to the City since it is self-insured. Mr. Andersson provided examples of the firm's work, including development agreements. He also suggested that a focus would be on helping the City avoid litigation. He further explained that one of the firm's attorneys would spend time in an office at City Hall in order to be available for walk-in questions from City officials. He further explained that some of that time the attorney could be off the clock working on things for other clients, while being immediately available for DeKalb City business if needed.

Mayor Povlsen asked who would be the City Attorney. Mr. Frieders stated that the firm would have a team available to the City and that the attorney with experience in a particular area would be responsible for certain issues. He added that there would be a flexible transition for the City from the past in-house attorneys.

Mayor Povlsen stated that Council is considering one in-house attorney. Mr. Andersson replied that in such a case the day-to-day items would be handled by the in-house attorney; however, that person couldn't provide the broad experience that their firm does. Mr. Frieders commented that communications technology has outmoded the need for an in-house attorney.

Ald. Jacobson arrived at 6:25 p.m.

Mr. Frieders stressed that their firm would work proactively with the City to avoid litigation, especially with the City's self-insured status. Council asked questions regarding code enforcement, property maintenance, attendance at meetings, billing procedures and other experience of the firm which were answered.

Mayor Povlsen called a recess at 6:54 p.m. The attorneys for Mickey, Wilson left the meeting.

The meeting reconvened at 6:55 p.m.

Attorneys Everett Buzz Hill, Tom Bayer and Lance Malina from the firm Klein, Thorpe and Jenkins were present.

Mr. Hill provided an overview of the firm of thirty attorneys and specifically cited work with TIF districts and development agreements. Mr. Bayer stated that because the firm does not "farm anything out" they have a wide range of internal experience. Mr. Malina added that the firm uses attorneys in the firm that have specialized experience and that they would direct the work to the appropriate attorney.

Council asked questions regarding code enforcement, billing procedures, property maintenance, attendance at meetings and other experience of the firm which were answered.

At 7:50 p.m., the attorneys from Klein, Thorpe and Jenkins left the meeting.

Discussion ensued regarding the two firms. Mayor Povlsen suggested giving the absent aldermen a couple of weeks to view the tape of this meeting before a decision is made. The Council members, staff, the acting city attorney and the clerk gave their impressions, assessing the two firms' experience and their approaches to representing the City.

ADJOURNMENT:

Ald. Jacobson moved to adjourn the closed session of the Special Meeting; seconded by Ald. Lash. Motion carried on voice vote. The closed session adjourned at 8:08 p.m.

Prepared by:



Approved: April 9, 2012
Released: July 8, 2019

7

**MINUTES
COMMITTEE OF THE WHOLE MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
August 22, 2011**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on Monday, August 22, 2011 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 6:35 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Mark Biernacki, City Manager; Peter Smith, Interim City Attorney and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2 (c)(2) (Released: July 8, 2019)

Mr. Biernacki reported that the IAFF has tentatively agreed to the minimum staffing language the City is asking for. He said that they want a side letter that preserves their rights to file a grievance. Ald. Teresinski expressed the concern that the new hires fall under the new contract and would like a letter that assures that to be the case.

Mr. Biernacki reported to Council that AFSCME has agreed to discuss giving up retiree health insurance.

Mr. Biernacki updated the Council on the status of the AFSCME grievance regarding the outsourcing of inspectors. He said that it is going to an arbitrator following his denial of the grievance.

PERSONNEL 5 ILCS 120/2(c)(1) (Released: July 8, 2019)

Mr. Biernacki informed the Council that the recording of the law firm presentations ran out before the discussion that followed the presentations and asked for direction.

Council discussed the two firms at length. It was a consensus of the Council to hire Mickey Wilson for attorney services and use Klein Thorpe for community development issues.

CLOSED SESSION MINUTES 5 ILCS 120/2 (c)(21) (Released: July 9, 2018)

Clerk Kapitan stated that he is making progress on the minutes and has a goal of fully catching up by the last meeting in September or the first meeting in October.

PENDING LITIGATION 5 ILCS 120/2(c)(11) (Released: July 9, 2018)

Mr. Smith updated the Council on airport litigation. He said that no appeal of the dismissal in federal court has been filed. The individual Ertl case is on appeal, he said.

ADJOURNMENT:

Ald. Jacobson moved to adjourn the closed session of the Committee of the Whole Meeting; seconded by Ald. Lash. Motion carried on voice vote. The closed session adjourned at 7:02 p.m.

STEVE KAPLAN, City Clerk

Prepared by: DIANE WRIGHT, City Clerk

Approved: April 9, 2012
Partial Release: July 9, 2018
Full Release: July 8, 2019

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
August 22, 2011**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, August 22, 2011 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 8:26 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Mark Biernacki, City Manager; Peter Smith, City Attorney; and Steve Kapitan, City Clerk.

PERSONNEL 5 ILCS 120/2(c)(1)

Mr. Biernacki summarized the results of a survey of Chapter 3 employees as to which retiree health insurance options that they would prefer, referring to the handout provided in the meeting. Discussion ensued regarding these the cost savings of these options and concerns about the impact on collective bargaining negotiations with the unions.

Ald. Naylor asked for clarification of the projected savings. Mr. Biernacki stated that it would be \$3 million in the first 20 years and \$10 million in the second 20 years.

In response to the suggestion that the management benefit of paid retiree health insurance at the age of 55 be returned to age 60, Mr. Biernacki expressed concern that we would be taking away a benefit they already have. Ald. Teresinski expressed concern about the timing of this, considering ongoing labor negotiations. Mr. Biernacki responded stating that he had to speak up for his people. If this is passed, he said, we may lose some people before it goes into effect. Ald. Teresinski asserted that the conditions of people with enough years of service to leave before such a change goes into effect have been present all during negotiations over the last year.

Mr. Biernacki summarized the options and suggested that Council act on the management issue before FOP arbitration. Ald. Teresinski stated the options have been narrowed to two and there is still time. Mr. Biernacki suggested to the Council that at some point he would like the opportunity to discuss these options with management employees.

ADJOURNMENT

Ald. Gallagher moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Lash. Motion carried on voice vote. The closed session adjourned at 8:51 p.m.

Prepared by:

Approved: April 9, 2012
Released: July 8, 2019

STEVE KAPLAN, City Clerk

DIANE WRIGHT, City Clerk



**MINUTES
COMMITTEE OF THE WHOLE MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
September 12, 2011**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on Monday, September 12 2011 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 6:20 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager, Peter Smith, Interim City Attorney; T.J. Moore, Public Works Director, Joel Maurer, Assistant Public Works Director – Engineering, Bruce Harrison, Fire Chief (arrived at 6:33 p.m.) and Steve Kapitan, City Clerk.

PURCHASE OF REAL PROPERTY 5 ILCS 120/2(c)(5) (Released: July 9, 2018)

Mr. Moore advised that the City desires some land currently owned by the DeKalb Sanitary District at Annie Glidden and I-88 for to use for snow discarding. He added that an environmental study would need to be done. He stated that he expects that the price that the Sanitary District would ask for the property would be no more than \$10,000. Council members voiced support for the request.

Mr. Maurer advised that a piece of property along Fairview, east of First Street is needed for easements for the construction of a bike path. He added that Fairview Park Cemetery, is asserting that the property is useful for grave sites. Mr. Maurer stated that the City and the cemetery are far apart in the price. Discussion ensued regarding temporary versus permanent easement, long term plan for the road and future road expansion. Ald. Teresinski asked about the need for future roadway widening. Mr. Maurer stated that three lanes may be needed in the future and that the bike path could be aligned to accommodate road widening.

Chief Harrison arrived at 6:33 p.m.

The consensus of Council was to acquire enough land for a bike path and inquire about potential roadway expansion.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2) (Released: July 8, 2019)

Mr. Espiritu advised that management met with the City's labor attorney who suggested negotiating a provision in the contract that allows bargaining over the effect of reduction below minimum staffing. Mr. Biernacki added that the union rep contacted management this evening and stated there is no deal on bargaining for effect; they want bargaining for reduction below a

minimum staffing level to be a part of the contract. Discussion ensued regarding minimum staffing.

Mayor Povlsen asked if it was a consensus to support allowing the IAFF to bargain over the economic clause that allows for a reduction in minimum staffing levels. No objection was voiced by the Council.

Mr. Espiritu stated that AFSCME wants different items from IAFF and explained the differences between the two options. He asked if Council would be willing to consider the Normal 3 plan for AFSCME. Ald. Teresinski stated that he does not want to interject a new proposal with AFSCME until the Fire agreement is done. Council gave Mr. Espiritu direction to run the numbers for Council to consider.

PENDING LITIGATION 5 ILCS 120/2(c)(11) (Released: July 9, 2018)

Mr. Smith advised Council that the plaintiff didn't appear in the Ertl case and the judge ordered him to pay attorney fees. The case was continued to November 2.

Regarding the Rauworth case, Mr. Smith advised that the woman has hoarding issues. The judge indicated that he would like this case resolved. He added that if the City goes to condemnation, it would cost a considerable amount.

Regarding a personal injury accident case, Mr. Smith advised that liability needs to be willful and wanton negligence in order for the City to be liable. He advised that it would be difficult for the plaintiff to prove such negligence by the City.

Regarding the airport case, there is as yet no appeal of the federal dismissal of the case. The individual case against Tom Cleveland continues.

CLOSED SESSION MINUTES 5 ILCS 120/2 (c)(21) (Released: July 9, 2018)

Clerk Kapitan stated that, while he had hoped to have made more progress he has caught up to the beginning of this year. He added that he expects to have fully caught up by next month.

ADJOURNMENT:

Ald. Gallagher moved to adjourn the closed session of the Committee of the Whole Meeting; seconded by Ald. O'Leary. Motion carried on voice vote. The closed session adjourned at 7:02 p.m.

STEVE KAPITAN, Clerk

Prepared by: DIANE WRIGHT, Clerk

**MINUTES
COMMITTEE OF THE WHOLE MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
September 26, 2011**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on Monday, September 26 2011 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 6:20 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager, Dean Frieders, City Attorney and Steve Kapitan, City Clerk.

PENDING LITIGATION 5 ILCS 120/2(c)(11) (Released: July 9, 2018)

Mr. Biernacki advised Council that the Rauworth house has deteriorated to the point at which demolition appears to be the best option. Mr. Frieders updated Council on the status in the court and the family. He advised that staff will continue code enforcement and could seek a receiver ordered by the court (but this is not recommended). Referring to a confidential memo, he stated that option six would be to work with the family which hasn't been successful in the past. Option 5 would be to file an amended motion of repair or teardown in court after determination by staff that the property is not salvageable. He added that there would likely be a teardown recommendation. However, the City would have to pay for the teardown and place a lien on the property. This approach has worked in other communities, he said.

Council discussed this litigation further. The direction of Council was to implement a last chance for Ms. Rauworth to resolve this after assessment of costs associated with the demolition option.

WORKER'S COMPENSATION 5 ILCS 120/2(c)(12) (Released: July 8, 2019)

Mr. Espiritu summarized the chart in the Council's confidential memo of the average Worker's Compensation payout over the last six years. Council discussed the figures. Ald. Teresinski stated that this semi-annual report shows improvement in cost reduction since 2009.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2) (Released: July 8, 2019)

Mr. Espiritu advised that management met with the Fire union today and the City's Labor Attorney regarding language on minimum staffing. The attorney recommended some language addressing a drop in the City's revenues and defining a financial emergency. He advised that the IAFF will consider it. He added that management prefers to close this contract in order to prepare for AFSCME. Council further discussed the language recommendations.

Ald. Teresinski said he favors the City language on minimum staffing and opposes inclusion of

language favored by the IAFF that would allow them to bargain with the City over the terms of the provision to drop below the minimum staffing levels

ADJOURNMENT:

Ald. Teresinski moved to adjourn the closed session of the Committee of the Whole Meeting; seconded by Ald. Lash. Motion carried on voice vote. The closed session adjourned at 7:00 p.m.

STEVE KAPITAN, City Clerk

Prepared by: DIANE AVRIGHT, City Clerk



Approved: April 9, 2012
Partial Release: July 9, 2018
Full Release: July 8, 2019

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
September 26, 2011**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, September 26, 2011 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 8:10 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson (arrived at 8:15 p.m.), Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Mark Biernacki, City Manager; Dean Frieders, City Attorney; and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2) (Released: July 8, 2019)

Mr. Espiritu advised that he met with AFSCME reps since the last Council meeting and they offered two proposed options, outlined in a confidential memo to Council, for the phase out of retiree health insurance.

Ald. Jacobson arrived at 8:15 p.m.

Discussion ensued regarding the options and costs. Some Council members expressed a concern about moving forward with AFSCME before Fire negotiations are concluded. Mr. Biernacki stated that moving forward on AFSCME would not impact an agreement with Fire since they have tentative agreement on their contract. Council gave direction to finish the Fire agreement before moving forward with AFSCME.

PERSONNEL 5 ILCS 120/2(c)(1) (Released: July 8, 2019)

Mr. Biernacki advised that a firefighter is going out on disability and asked if Council desires that a replacement be hired. Mr. Frieders confirmed that any new hires would be under the new contract. Mr. Biernacki stated that it is work related, but it is uncertain if it will be considered a catastrophic case.

PENDING LITIGATION 5 ILCS 120/2(c) 11)

Mr. Frieders briefly updated the Council on several property damage cases. He also gave an update on the airport cases for which motions to dismiss are pending. He explained the incident in the Sally Brown case of an accident with a DeKalb police officer. Mr. Frieders stated that he concurs with the City's defense counsel that recommends making an offer of \$25,000 while authorizing up to \$30,000 to settle this case.

WORKERS COMPENSATION 5 ILCS 120/2 (c) (12) (Released: July 8, 2019)

Ald. Teresinski asked Mr. Frieders his view the staff recommendation of going to a third party to manage the City's workers compensation claims. Mr. Frieders said that he concurs with the staff recommendation and that it would save the City money.

CLOSED SESSION MINUTES 5 ILCS 120/2 (c)(21) (Released: July 9, 2018)

Clerk Kapitan stated that he completed a packet of minutes through the end of 2010. He added that his goal is still to get fully caught up by the end of next month. Mayor Povlsen asked if this includes the six month review requirement. Clerk Kapitan stated that the six month review would have to be by the end of the year since the last one was in June.

ADJOURNMENT:

Ald. Lash moved to adjourn the closed session of the Regular Meeting; seconded by Ald. O'Leary. Motion carried on voice vote. The closed session adjourned at 8:37 p.m.

STEVE KAPITAN, City Clerk

Prepared by: DIANE WRIGHT, Clerk



Approved: April 9, 2012
Partial Release: July 9, 2018
Partial Release: July 8, 2019
Full Release: December 13, 2021

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
October 10, 2011**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, October 10, 2011 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 7:58 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendan Gallagher, Ald. Ronald Naylor, and Ald. Monica O'Leary. Absent was Ald. David Baker.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Steve Andersson, City Attorney; Bruce Harrison, Fire Chief and Diane Wright, Deputy City Clerk.

COLLECTIVE BARGAINING 5 ILCS (c)(2) (Released: July 8, 2019)

Mr. Espiritu summarized the IAFF's offer and asked for direction from Council to proceed to settle the IAFF contract.

Chief Harrison left the meeting at 8:05 p.m.

Additionally, Mr. Espiritu updated Council on the progress with AFSCME negotiations.

PENDING LITIGATION 5 ILCS 120/2(c)(11) (Released: July 9, 2018)

Mr. Andersson provided a status of pending litigation cases.

ADJOURNMENT:

Ald. Gallagher moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Lash. Motion carried on voice vote. The closed session adjourned at 8:25 p.m.

Approved: April 9, 2012
Partial Release: July 9, 2018
Full Release: July 8, 2019



**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
October 24, 2011**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, October 24, 2011 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 8:34 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary. Absent: Ald. Kristen Lash.

Also present were: Mark Biernacki, City Manager; Dean Frieders, City Attorney; T. J. Moore, Public Works Director; Tom Cleveland, Airport Manager and Steve Kapitan, City Clerk.

PERSONNEL 5 ILCS 120/2(c)(1)

Mr. Biernacki informed Council that Battalion Chief Dave O'Donnell is retiring and asked Council to authorize a new hire to replace Chief O'Donnell. He explained that there would be promotions and that the new hire would be an entry level firefighter.

PURCHASE OR LEASE OF REAL PROPERTY 5 ILCS 120/2 (c)(5)

Mr. Biernacki presented the Council with an option to either purchase the Frontier airport property or continue to lease the parking lot adjacent to it. Frontier is interested in selling the property, he said. The assessor has the value set at \$150,000, he added.

Mr. Moore recommended to the Council that the City lease some land along Annie Glidden Road. The owner wants a hold harmless clause.

Mr. Cleveland explained that we have reached an impasse in negotiating for some airport parcels. The State of Illinois Division of Aeronautics is moving to condemn the property as it is within the runway safety zone. He explained that there are a total of 11 acres and that the fees are reimbursable. Following Council discussion, Mayor Povlsen declared that there was a consensus to move ahead on condemnation.

PERSONNEL 5 ILCS 120/2(c)(1)

Mr. Biernacki informed Council that the City won an arbitration dispute over two suspensions of Officer Busby who did not follow proper procedure.

COLLECTIVE BARGAINING 5 ILCS 120/2 (c)(2) (Released: July 8, 2019)

Mr. Biernacki informed the Council that the IAFF is voting on a tentative agreement to the labor contract. He said that he expects this contract to go to the Council meeting on November 14th.

At 8:53 Mayor Povlsen opened the door briefly to extend the meeting. Motion by Ald. Teresinski, seconded by Ald. Naylor. Motion carried by voice vote.

IMMINENT LITIGATION 5 ILCS 120/2(c) 11) (Released: July 8, 2019)

Mr. Frieders explained that legislation sets the limit on fees to 5%. This leaves the City open to potentially costly litigation. Mr. Biernacki said that Comcast doesn't want to raise the issue until contract time.

PENDING LITIGATION 5 ILCS 120/2(c) 11) (Released: July 8, 2019)

Mr. Frieders gave the Council updates on the cases of Fitzgerald, Miskin, Rauworth and the DeKalb Aviation lawsuits.

CLOSED SESSION MINUTES 5 ILCS 120/2 (c)(21) (Released: July 9, 2018)

Clerk Kapitan presented to the Council a packet of 2010 minutes with hold or release recommendations. Council discussed the minutes and there was a consensus to concur with the recommendations for hold or release.

ADJOURNMENT:

Ald. Jacobson moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Teresinski. Motion carried on voice vote. The closed session adjourned at 9:43 p.m.

STEVE KAPITAN City Clerk

Prepared by: DIANE BRIGGS City Clerk

Approved: April 9, 2012
Partial Release: July 9, 2018
Partial Release: July 8, 2019
Full Release: December 13, 2021

**MINUTES
COMMITTEE OF THE WHOLE
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
November 14, 2011**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole on Monday, November 14, 2011 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 6:34 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney; T. J. Moore, Public Works Director, Joel Maurer, City Engineer, Bruce Harrison, Fire Chief and Steve Kapitan, City Clerk.

LAND ACQUISITION, 5 ILCS 120/2(5) (Released: July 9, 2018)

Mr. Maurer explained that a house at 807 David Avenue, which is in the flood plain, has come up for sale. It is in the area of the other houses that the City has acquired removal, he added. Mr. Maurer stated that it has been vacant for several years. Mr. Frieders stated that it is owned by a bank and that the previous owner was not a City employee. Mr. Moore interjected that it is being offered at a much-reduced price than when the City had tried to purchase it before. Council consensus was for staff to make an offer on the property.

Mr. Maurer and Mr. Moore left room at 6:38 p.m.

COLLECTIVE BARGAINING 5 ILCS (c)(2) (Released: July 8, 2019)

Mr. Biernacki stated that a resolution approving the IAFF (firefighter) contract was pulled from the agenda of the regular meeting in order for Council to discuss a modification. He explained that during discussions over some technical aspects to the contract, the IAFF representative raised the idea of adding a third year to the contract. Mr. Espiritu handed out a summary of this IAFF offer. Mayor Povlsen cited a consensus for it.

ADJOURNMENT:

Ald. Teresinski moved to adjourn the closed session of the Committee of the Whole; seconded by Ald. Lash. Motion carried on voice vote. The closed session adjourned at 6:59 p.m.


STEVE KAPITAN, City Clerk
Prepared by: DIANE FRECHT, City Clerk

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
November 14, 2011**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, November 14, 2011 in the DeKalb Municipal Building, Room 201, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 10:40 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendan Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Mark Biernacki, City Manager; Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney; Bill Feithen, Police Chief and Steve Kapitan, City Clerk.

PERSONNEL 5 ILCS 120/2(c)(1)

Chief Feithen revealed that he has applied for the City Manager position in the City of Sycamore but did not expect that he has much chance of getting the position. Ald. Lash wished him luck but expressed her preference that he remain as Chief. Ald. Teresinski thanked him for his candor.

RECESS:

Ald. Gallagher moved to return to open session; seconded by Ald. Naylor. Motion carried on voice vote. The closed session recessed at 10:42 p.m.

**MINUTES
CLOSED SESSION
OF THE NOVEMBER 14, 2011
REGULAR MEETING OF CITY COUNCIL
OF THE
CITY OF DEKALB
Reconvened November 21, 2011**

The City Council of DeKalb, Illinois, held a closed session during the reconvened Regular Meeting of November 14, 2011 on Monday, November 21, 2011 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was reconvened by a majority vote of City Council at the reconvened Regular Meeting of the same day.

The closed session started at 9:36 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash (entered room at 9:38), Ald. Brendan Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney; Bruce Harrison, Fire Chief and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS (c)(2)

Mr. Espiritu explained a handout that spelled out the costs and savings of the three year IAFF contract that Council discussed at the November 14, 2011 closed session. He stated that the overall cost increase over the three years is 5.3%.

Ald. Lash entered the room at 9:38 p.m.

Mr. Espiritu summarized other provisions that would provide savings, including the reduction in overtime resulting from new hires, additional wage steps and vacation. He added that if the City Council does not approve this agreement when it comes before the Council next Monday, then we could be charged with unfair labor practices.

Chief Harrison left the room at 9:57 p.m.

PENDING LITIGATION 5 ILCS 120/2 (c) (11) (Released: July 9, 2018)

Mr. Frieders updated the council on the latest proceedings of the Ertl cases that are being handled by other counsel on behalf of the City. He explained that in the 4th and most recent case filed in 2011 demanding back pay to 1996, Judge Klein denied the City's motion to dismiss.

The City's outside counsel recommends moving to compel arbitration; Mr. Frieders agrees with this recommendation. Council discussed the options and Mr. Frieders laid out the scenarios and possible costs. Mayor Povlsen asked the City Attorney what direction he needs. Mr. Frieders stated that unless he hears differently, he will proceed with the recommended option (arbitration) and will present an assessment of the financial impact at a future meeting.

PERSONNEL 5 ILCS 120/2(c)(1) (Released: July 9, 2018)

Mr. Espiritu explained that the grievance on outsourcing of engineering inspectors that was filed for arbitration has been withdrawn.

COLLECTIVE BARGAINING 5 ILCS (c)(2)

Mr. Espiritu distributed a handout outlining the AFSCME proposals on retiree health insurance. He summarized their offer and outlined possible counter proposals providing figures on cost savings over a 40 year period. Mr. Espiritu answered Council member questions and asked for direction. Council discussed option.

Mr. Espiritu asked the Council if we should move on a management compensation plan or wait until after AFSCME negotiations are complete. He stated that it would be good to settle with AFSCME and management before we go to arbitration with FOP January 16th. There was no interest expressed by the Council to go ahead with a management plan at this time.

PENDING LITIGATION 5 ILCS 120/2 (c) (11) (Released: July 9, 2018)

Ald. Lash asked for an update on the Rauworth case. Mr. Frieders explained that a court date on

November 28th might resolve the issue. He added that demolition cost estimates ranged from \$20,000 to \$24,000. Ald. Lash stated that support in the neighborhood for demolition is nearly unanimous, but they want the City to eradicate any rodents before demolition.

ADJOURNMENT:

Ald. Jacobson moved to adjourn the closed session of the reconvened Regular City Council Meeting of November 14, 2011; seconded by Ald. Naylor. Motion carried on voice vote. The closed session adjourned at 10:14 p.m.

STEVE KAPLAN, City Clerk

Prepared by: DIANE WRIGHT, City Clerk

The seal of the City of DeKalb, Illinois, is a circular emblem. It features a central shield with a plow and a sheaf of wheat, symbolizing agriculture. The shield is surrounded by a wreath. The words "CITY OF DEKALB" are inscribed in a circle around the top, and "ILLINOIS" is at the bottom. The year "1831" is also visible within the seal.

Approved: April 9, 2012
Partial Release: July 9, 2018
Full Release: December 13, 2021

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
November 28, 2011**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, November 28, 2011 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 10:08 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson (arrived at 10:09 p.m.), Ald. Tom Teresinski, Ald. Kristen Lash (arrived at 10:09 p.m.), Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney and Steve Kapitan, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2) (Released: July 8, 2019)

Mr. Espiritu explained items related to AFSCME negotiations on a handout given out at the meeting. He outlined three different possible counter offer options on wages and a phase out of retiree health insurance. Council discussed and asked questions about the options and direction was given to go with option A as a counter offer. Council consensus was to proceed with negotiation of the rest of the AFSCME contract.

PENDING LITIGATION 5 ILCS 120/2(c) 11) (Released: July 9, 2018)

Mr. Frieders gave an update on the Rauworth case; the papers were served. There is a December 19 court date, he added.

Regarding the Fitzgerald case, Mr. Frieders said that we resolved one issue and are now going after the junkyard on State Street. Mr. Frieders stated that we could look at escalating enforcement.

In the Midwest Flight Academy case Mr. Frieders explained the argument over the disparate treatment with Fly America. The motion to dismiss was denied, he said.

WORKERS COMPENSATION 5 ILCS 120/2 (c) (12) (Released: July 9, 2018)

Mr. Espiritu informed Council that the staff was getting bids on Workers Compensation coverage.

CLOSED SESSION MINUTES 5 ILCS 120/2 (c)(21) (Released: July 9, 2018)

Clerk Kapitan stated that he would have the backlog of minutes for the next meeting. Mayor Povlsen asked if it would be all six months. Kapitan said that it would.

ADJOURNMENT:

Ald. Gallagher moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Jacobson. Motion carried on voice vote. The closed session adjourned at 10:47 p.m.



Approved: April 9, 2012
Partial Release: July 9, 2018
Full Release: July 8, 2019

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
December 12, 2011**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, December 12, 2011 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 10:52 p.m. Council members in attendance were: Mayor Kris Povlsen, Alderman David Jacobson, Alderman Tom Teresinski, Alderwoman Kristen Lash, Alderman Brendon Gallagher, Alderman Ronald Naylor, Alderman David Baker and Alderwoman Monica O'Leary.

Also present were: Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney T. J. Moore, Public Works Director; Joel Maurer, City Engineer and Steve Kapitan, City Clerk.

PURCHASE OR LEASE OF REAL PROPERTY 5 ILCS 120/2 (c)(5) (Released: July 9, 2018)

Mr. Maurer reported on the negotiation for the easement purchases for the bike path along Fairview Drive, adjacent to the Fairview Park Cemetery. The cost of the easements would be \$30, 000, he said. There was a consensus of the Council to bring the easements to the Council meeting on January 9, 2012.

Mr. Moore and Mr. Maurer left the room at 10:58 p.m.

Mr. Biernacki informed Council that DIMCO has offered to purchase the of old DeKalb Feeds property on 7th Street at the end of Locust Street for use as a recycling center and possible expansion of their scrap yard. The long-term plan for this was for a commuter lot. Council discussed the purchase. The Council consensus was to have DIMCO give the City a plan and Mr. Biernacki said that he would get an appraisal of the property.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2) (Released: July 8, 2019)

Mr. Espiritu handed out a spread sheet with the AFSCME counter proposal that has 1.5%, 1.5% and 2% wage increases in a three-year contract. He further explained their proposal.

Also Mr. Espiritu stated that per Council direction he established a tentative agreement on wages and employee contribution to health insurance premiums. The Council asked a number of questions about how the proposal works and the cost implications of it. Mr. Espiritu explained the points of agreement and disagreement and explained the options that staff recommends as a settlement offer.

Mr. Biernacki informed Council that FOP arbitration is scheduled for January 9, 2012 before the next City Council meeting. Mr. Espiritu stated that we are not going to give minimum manning.

The Council discussed some options. Council discussed options.

PENDING LITIGATION 5 ILCS 120/2(c) 11) (Released: July 9, 2018)

Mr. Frieders informed Council that he would have an update on the Ertl case in January.

CLOSED SESSION MINUTES 5 ILCS 120/2 (c)(21) (Released: July 9, 2018)

Clerk Kapitan stated that he did not have the closed session minutes up to date. He stated that he was doing well in catching up for a while but had difficulty in the last few weeks. Council discussed options to make sure that this is done. Ald. Baker suggested hiring someone to do the minutes. Mayor Povlsen asked Mr. Frieders what options the City has. Mr. Frieders stated that he would look into remedies and bring them back at the next meeting. Mayor Povlsen stated that if the minutes are not caught up by the next meeting then we will have to act on this matter. Mr. Frieders stated that he would send a memo out to Council outlining options they could take.

ADJOURNMENT:

Ald. Gallagher moved to adjourn the closed session of the Regular Meeting; seconded by Ald. Jacobson. Motion carried on voice vote. The closed session adjourned at 11:33 p.m.



Approved: April 9, 2012
Partial Release: July 9, 2018
Full Release: July 8, 2019



EXECUTIVE-CLOSED SESSION MINUTES INDEX

2012		Recommendation for Release	
		Yes	No
January 23, 2012 (COW) Approved: July 9, 2012	Collective Bargaining Personnel Purchase of Real Property	Released: July 8, 2019	
January 23, 2012 (Regular) Approved: July 9, 2012	Pending Litigation	Released: July 9, 2018	
	Personnel	Released: July 8, 2019	
	Worker's Compensation	Released: July 8, 2019	
February 13, 2012 (COW) Approved: July 9, 2012	Collective Bargaining Purchase of Real Property	Released: July 8, 2019	
February 13, 2012 (Regular) Approved: July 9, 2012	Pending Litigation	Released: July 9, 2018	
	Personnel	Released: July 8, 2019	
February 27, 2012 (Regular) Approved: July 9, 2012	Closed Session Minutes Discussion	Released: July 9, 2018	
	Collective Bargaining	Released: July 8, 2019	
	Pending Litigation	Released: July 9, 2018	
	Personnel	Released: July 8, 2019	
	Worker's Compensation	Released: July 9, 2018	
March 12, 2012 (Regular) Approved: July 9, 2012 Audio Destroyed: March 15, 2019	Closed Session Minutes Review Collective Bargaining Pending Litigation Personnel Worker's Compensation	Released: July 9, 2018	
March 26, 2012 (Regular) Approved: July 9, 2012	Minutes of Closed Sessions Review	Released: July 9, 2018	
	Pending Litigation	X	
	Personnel	Released: July 8, 2019	
	Purchase of Real Property	Released: July 9, 2018	
	Worker's Compensation	Released: July 9, 2018	
April 9, 2012 (Regular) Approved: July 9, 2012 Audio Destroyed: March 15, 2019	Minutes of Closed Sessions Review Pending Litigation Personnel Worker's Compensation	Released: July 9, 2018	
April 23, 2012 (Regular) Approved: July 9, 2012	Collective Bargaining	Released: July 8, 2019	
	Pending Litigation	Released: July 9, 2018	
	Personnel	Released: July 8, 2019	
	Purchase of Real Property	Released: July 9, 2018	
May 14, 2012 (COW) Approved: July 9, 2012	Pending Litigation	X	
	Security Procedures	Released: March 22, 2021	
May 14, 2012 (Regular) Approved: July 9, 2012	Pending Litigation	X	
	Personnel	X	
	Worker's Compensation	X	
May 29, 2012 (COW) Approved: July 9, 2012	Pending Litigation	X	
	Purchase of Real Property	Released: July 9, 2018	
June 11, 2012 (COW) Approved: July 9, 2012	Pending Litigation	X	
	Personnel	Released: July 8, 2019	



EXECUTIVE-CLOSED SESSION MINUTES INDEX

2012		Recommendation for Release	
		Yes	No
June 25, 2012 (Regular) Approved: July 9, 2012	Collective Bargaining	Released: July 8, 2019	
	Pending Litigation	X	
	Personnel	Released: July 8, 2019	
July 9, 2012 (Regular) Approved: January 14, 2013	Pending Litigation	Released: July 9, 2018	
	Personnel	Released: July 8, 2019	
July 23, 2012 (Regular) Approved: January 14, 2013 Audio Destroyed: March 15, 2019	Pending Litigation	Released: July 9, 2018	
August 13, 2012 (Regular) Approved: January 14, 2013 Audio Destroyed: March 15, 2019	Pending Litigation	Released: July 9, 2018	
August 27, 2012 (Regular) Approved: January 14, 2013	Pending Litigation	Released: July 9, 2018	
	Personnel	X	
	Security Procedures and Use of Personnel	Released: March 22, 2021	
September 10, 2012 (Regular) Approved: January 14, 2013	Pending Litigation	Released: July 9, 2018	
	Personnel	X	
	Security Procedures and Use of Personnel	Released: July 8, 2019	
September 24, 2012 (Regular) Approved: January 14, 2013	Pending Litigation	Released: July 9, 2018	
	Sale or Purchase of Real Property	Released: July 8, 2019	
	Security Procedures and Use of Personnel	Released: March 22, 2021	
October 8, 2012 (Regular) Approved: January 14, 2013	Pending Litigation	Released: July 9, 2018	
	Security Procedures and Use of Personnel	Released: July 8, 2019	
October 22, 2012 (Regular) Approved: January 14, 2013 Audio Destroyed: March 15, 2019	Pending Litigation Worker's Compensation	Released: July 9, 2018	
November 13, 2012 (COW) Approved: January 14, 2013	Security and Use of Personnel	Released: July 8, 2019	
November 13, 2012 (Regular) Approved: January 14, 2013	Collective Bargaining	Released: July 8, 2019	
	Pending Litigation	Released: July 9, 2018	
	Personnel	Released: July 8, 2019	
	Worker's Compensation	Released: July 9, 2018	
December 10, 2012 (Regular) Approved: January 14, 2013	Collective Bargaining	Released: July 8, 2019	
	Pending or Imminent Litigation	X	

Audio recordings of the 2012 Executive Session meetings destroyed August 9, 2019, as per Resolution 2019-110.

**MINUTES
COMMITTEE OF THE WHOLE MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB**

January 23, 2012

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on Monday, January 23, 2012 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 6:40 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney, Bruce Harrison, Fire Chief, T.J. Moore, Public Works Director and Steve Kapitan City Clerk

PURCHASE OF REAL PROPERTY 5 ILCS 120/2(c)(5)

Mr. Biernacki advised that Parking Lot 5 owned by Frontier was appraised at \$205,000; Frontier is asking \$200,000. Consensus of Council after discussion was to purchase.

PERSONNEL 5 ILCS 120/2(c)(1)

Chief Harrison stated there is a potential vacancy (Tony Smith) and asked for authority to hire a firefighter; Council agreed.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2)

Mr. Espiritu advised that a meeting took place with the mediator and FOP on January 12. He explained the offers of FOP and the City and noted they are far apart. He advised that arbitration is set for February 13.

ADJOURNMENT:

Ald. Lash moved to adjourn the closed session; seconded by Ald. Naylor. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 7:02 p.m.

Prepared by:

Approved: July 9, 2012
Released: July 8, 2019



**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB**

January 23, 2012

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, January 23, 2012 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 8:53 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney, and Steve Kapitan City Clerk

WORKERS COMPENSATION 5 ILCS 120/2(c)(12) (Released: July 9, 2018)

Mr. Frieders provided updates and recommendations for settlement on Worker's Compensation cases. After discussion, Council consensus was to proceed with the recommendations.

MOTION TO EXTEND MEETING

AT 8:55 p.m., Ald. Jacobson moved to extend the meeting past 9:00 p.m.; seconded by Ald. Gallagher. Motion carried on voice vote. Mayor Povlsen declared the motion passed.

PENDING LITIGATION 5 ILCS 120/2(c)(11) (Released: July 9, 2018)

Mr. Frieders updated Council on pending litigation cases with recommendations and possible settlements. Council asked questions and discussed the pending litigation.

PERSONNEL 5 ILCS 120/2(c)(1) (Released: July 8, 2019)

Mr. Espiritu provided a handout with recommendations for Chapter 3 employees to phase out insurance for future retirees. Council asked questions and discussed options at length.

Mr. Biernacki discussed strategies for replacement of staff and strategic growth in staff for the future. He noted that recommendations are to add 9.5 new positions (net). Also, he noted that there is a significant compression issue and Council must address the management pay plan. Also, he said, it is difficult to promote from within because union workers are able to significantly make more because of overtime. He stressed the need for a management pay plan study. Council discussed the options provided and the need for a management pay plan study.

ADJOURNMENT:

Ald. Tercsinski moved to adjourn the closed session; seconded by Ald. Jacobson. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 9:55 p.m.

Prepared by:

Approved: July 9, 2012
Partial Release: July 9, 2018
Full Release: July 8, 2019

DIANE WRIGHT, City Clerk



**MINUTES
COMMITTEE OF THE WHOLE MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB**

February 13, 2012

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on Monday, February 13, 2012 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 6:48 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary. Absent was Ald. Tom Teresinski

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney and Diane Wright, Deputy City Clerk

PURCHASE OF REAL PROPERTY 5 ILCS 120/2

Mr. Frieders updated Council on the terms of purchase on the Frontier property. He noted that the price is \$205,000 with an appraisal of \$205,000. Council discussed the purchase and the consensus was to purchase the property at \$205,000.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2)

Mr. Biernacki advised that arbitration with FOP was held today. Mr. Espiritu outlined the final offer from FOP. Mr. Biernacki added that briefs will be filed by April 2; with a decision from the arbitrator in 30-60 days.

ADJOURNMENT:

Ald. Lash moved to adjourn the closed session meeting; seconded by Ald. Jacobson. Motion carried on voice vote. Mayor Povlsen declared the motion passed and the meeting adjourned at 7:00 p.m.


DIANE WRIGHT, Deputy City Clerk

Approved: July 9, 2012
Released: July 8, 2019

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB**

February 13, 2012

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, February 13, 2012 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 9:00 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary. Absent was Ald. Tom Teresinski

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney and Diane Wright, Deputy City Clerk

PENDING LITIGATION 5 ILCS 120/2(c)(11) (Released: July 9, 2018)

Mr. Frieders provided an update on pending litigation and stated he will provide a comprehensive report next month.

PERSONNEL 5 ILCS 120/2(c)(1):

Mr. Biernacki asked Deputy Wright to leave the room inasmuch as Council would be discussing Mr. Kapitan and the issues surrounding his resignation and the appointment of the City Clerk to fulfill the remainder of his term. Deputy Wright left the room at 9:10 p.m.

Mr. Frieders advised Council that the State Attorney's office will not be taking any action against Mr. Kapitan and the City in that they were apprised of the fact that the City resolved the issue of Mr. Kapitan's failure to comply with the Open Meetings Act regarding completion of closed session minutes. He further stated that it has become evident that Mr. Kapitan had failed to complete other duties of his position. He assured Council that staff has implemented measures to correct this immediately. Mr. Frieders stated that Mr. Kapitan offered a voluntary unambiguous resignation after consulting with an attorney.

Council discussed filling the remainder of Mr. Kapitan's term (through April 2013). Mr. Biernacki stated Deputy Wright was willing to complete the remainder of his term and added that former City Clerk Donna Johnson offered to assist for a period of time to get the Municipal Code and other work updated. Mr. Frieders advised that Council could change the position to an appointed one through ordinance. Council discussed options including full time and part time staff maintaining the office. It was the consensus of Council to appoint Diane Wright as City Clerk for the remainder of Mr. Kapitan's elected term.

Deputy Wright returned to the meeting at 10:00 p.m.

Mr. Biernacki stated that with the resignations of both the Police and Fire Chiefs, now would be the time if the Council wants to consider the creation of a public safety department. He advised Council he will proceed with interim appointments for both positions and added that he recommends Eric Hicks as Interim Fire Chief. He added that it is important that an Assistant Chief be named in order for the next Fire Chief to be successful. Mr. Biernacki provided a breakdown of Battalion Chiefs and asked for approval to move forward on promotions; Council concurred.

Mr. Biernacki stated that there may be several internal applicants for the Police Chief; and suggested that the City contract with someone outside the Police Department to serve as Acting Chief; Council concurred.

Council agreed to defer Mr. Biernacki's evaluation to the next closed session.

ADJOURNMENT:

Ald. Jacobson moved to adjourn the closed session; seconded by Ald. Lash. Motion carried on voice vote. Mayor Povlsen declared the motion passed and adjourned the meeting at 10:25 p.m.



Approved: July 9, 2012
Partial Release: July 9, 2018
Full Release: July 8, 2019

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB**

February 27, 2012

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, February 27, 2012 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 9:20 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney, and Diane Wright, City Clerk

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2): (Released: July 8, 2019)

Mr. Espiritu advised that the City is waiting for a ruling from the arbitrator regarding FOP.

PENDING LITIGATION 5 ILCS 120/2(c)(11) (Released: July 9, 2018)

Mr. Frieders provided an update regarding the litigation with the Airport. Also, he noted, staff conducted an audit of issues that may be unresolved in the Clerk's office and have identified them and are working toward a rapid resolution. Also, he apprised Council of the status of the Rauworth demolition.

WORKER'S COMPENSATION 5 ILCS 120/2 (c)12) (Released: July 9, 2018)

Mr. Frieders provided Council with an update of pending worker's compensation cases along with recommendations for settlement.

CLOSED SESSION MINUTES 5 ILCS 120/2(c)(21) (Released: July 9, 2018)

Ms. Wright advised Council that she has performed an audit of closed session meetings that have not been transcribed and determined there are approximately forty-two (42) to transcribe. She stated she will get them done as soon as possible. Mr. Frieders added that he advised the State Attorney's office that the City will not be able to meet the 45-day deadline and will make every effort to complete the minutes as quickly as possible.

PERSONNEL 5 ILCS 120/2(c)(1) (Released: July 8, 2019)

Mr. Biernacki discussed the management retiree insurance phase out issue and handed out a chart describing Tier I, Tier II and Tier III employees. Mr. Biernacki advised Council he met with seven management employees on this issue and shared with Council their comments. He

asked if Council would consider a different timeframe for management than was given to the unions, noting that sixty (60) days' notice may be too short. He added that this may complicate employees' decisions to compete for Police Chief. Also, he said, there is concern about a succession plan should many management employees decide to retire. Council discussed at length this proposal.

Ald. Lash left the room at 10:26 p.m.; returned at 10:30 p.m.

Mr. Biernacki encouraged Council to consider a lengthier timeframe for management employees to state their decision whether they will retire regarding the insurance benefits; Council concurred.

Mr. Biernacki handed out a proposed staffing chart for the next three years including some additional positions. Council discussed staffing needs of the City and potential positions.

Mr. Espiritu left the meeting at 10:46 p.m.

Mr. Biernacki stated his evaluation is due to be discussed and passed out last year's evaluation. He asked that Council complete evaluation forms by Friday to Human Resources.

Mr. Biernacki left the meeting at 10:50 p.m.

Ald. Baker asked if the City Clerk and City Attorney should leave the room. Mr. Frieders clarified that Ms. Wright is not directly under the supervision of the City Manager. He added that Council should always want to keep the City Attorney present. He also noted that the decision to include or exclude parties from the executive session rested with the Council, and if the Council wanted either the City Clerk or City Attorney to leave, they would do so.

Council discussed Mr. Biernacki's contract at length. Mayor Povlsen encouraged all to complete the evaluation form.

ADJOURNMENT:

Ald. Gallagher moved to adjourn the closed session; seconded by Ald. Teresinski. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 11:05 p.m.

Approved: July 9, 2012
Partial Release: July 9, 2018
Full Release: July 8, 2019



**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB**

March 12, 2012

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, March 12, 2012 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 8:25 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. David Baker and Ald. Monica O'Leary. Absent were: Ald. Gallagher and Ald. Naylor.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney, and Diane Wright, City Clerk

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2):

Mr. Espiritu reported that the arbitrator has not made a decision regarding FOP.

PENDING LITIGATION 5 ILCS 120/2(c)(11)

Mr. Frieders stated that removal of asbestos at the Rauworth property will take place this week followed by demolition soon after. Mr. Frieders additionally provided updates on other litigation.

WORKER'S COMPENSATION 5 ILCS 120/2 (c)12):

Mr. Frieders stated there are no updates to report.

CLOSED SESSION MINUTES 5 ILCS 120/2(c)(21):

Mr. Biernacki noted that Council approved the 2009 Closed Session Minutes which were recommended to be held. Ms. Wright added she is working on 2010 minutes and should have them at the next meeting for Council approval.

PERSONNEL 5 ILCS 120/2(c)(1)

Mr. Biernacki asked that his evaluation discussion be postponed until all members of Council are present; Council concurred.

Mr. Biernacki recommended that Chapter 3 employees have 120 days to state their decision to retire, with retirement by December 31, 2013. Council discussed at length the differences in management and union changes.

At 8:58 p.m., Ald. Teresinski moved to extend the meeting past 9:00 p.m.; seconded by Ald.

Jacobson. Motion carried on voice vote. Mayor Povlsen declared the motion passed.

Council continued discussion on whether to offer management a different plan than the unions.

ADJOURNMENT:

Ald. Jacobson moved to adjourn the closed session; seconded by Ald. Lash. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 9:02 p.m.

Approved: July 9, 2012
Released: July 9, 2018

DIANE WRIGHT City Clerk



**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB**

March 26, 2012

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, March 26, 2012 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 10:00 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson (arrived at 10:01 p.m.), Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney, Ron Pearson, Interim Police Administrator, Michelle Anderson, Assistant Director, Human Relations and Diane Wright, City Clerk

WORKER'S COMPENSATION 5 ILCS 120/2 (c)(12) (Released: July 9, 2018)

Mr. Frieders provided an update of worker's compensation cases with recommendations.

Ald. O'Leary left the room at 10:15 p.m.; returned at 10:17 p.m.

Mr. Frieders acknowledged Ms. Anderson for her work in tracking and reporting the worker's compensation claims. He noted that this comprehensive report is done semi-annually.

Ms. Anderson left the meeting at 10:20 p.m.

PURCHASE OF REAL PROPERTY 5 ILCS 120/2(c)(5) (Released: July 9, 2018)

Mr. Biernacki advised Council that staff will recommend purchasing a home for the Resident Officer Program (ROP) at 624 North 11th Street. He noted that it is a multi-family unit that will be converted to single family. It is currently going to go up for auction, and staff recommends that the City make an offer on it. Council discussed at length the home, the purchase and the ROP. Council concurred with staff's recommendation.

Mr. Pearson left the meeting at 10:35.

Mr. Biernacki referred to a parcel owned by the City on Industrial Drive; Elliott and Wood has the option to purchase if the City doesn't build on it in five years. They are asking for a similar piece on the other side of Industrial Drive. Council discussed the request and all options and suggested that the City lease it.

Mr. Biernacki discussed purchase of 524 Clifford with CDBG funds.

PENDING LITIGATION 5 ILCS 120/2(c)(11):

Mr. Biernacki stated that Frontier has an outside party negotiating a purchase price and wants the City to pay closing costs.

Mr. Frieders stated that the Rauworth home should be completely demolished by Easter. Also, he said, a new complaint has been filed in the airport case with the Department of Transportation.

MINUTES OF CLOSED SESSIONS 5 ILCS 120/2(c)(21) (Released: July 9, 2018)

Mr. Biernacki advised that Council approved the 2010 closed session minutes to be held at tonight's regular meeting. Ms. Wright added she is working on 2011 minutes.

Mr. Espiritu left the meeting at 10:49 p.m.

PERSONNEL 5 ILCS 120/2(c)(1): (Released: July 8, 2019)

Mr. Biernacki stated that he was pleased with the results from the evaluations turned in by Council.

Mr. Biernacki left the room at 10:48 p.m.

Council discussed a salary increase and/or bonus for Mr. Biernacki. After extensive discussion, Council agreed to a 2% merit increase and \$10,000 bonus for Mr. Biernacki.

Mr. Biernacki returned at 11:03 p.m.

Mayor Povlsen advised Mr. Biernacki of Council's decision. Mr. Biernacki thanked Council and noted that some of the lower scores on the evaluation form focused on his reporting. He asked Council for direction on what he can provide. Council discussed this and noted they would like more objective and timely reporting.

ADJOURNMENT:

Ald. Lash moved to adjourn the closed session; seconded by Ald. Naylor. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 11:20 p.m.

Approved: July 9, 2012
Partial Release: July 9, 2018
Partial Release: July 8, 2019
Full Release: December 13, 2021

DIANE WRIGHT City Clerk



**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB**

April 9, 2012

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, April 9, 2012 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 10:20 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney, and Diane Wright, City Clerk

PENDING LITIGATION 5 ILCS 120/2(c)(11):

Mr. Frieders reported there is an administrative hearing regarding unkempt property.

Ald. Lash left the meeting at 10:25 p.m.

WORKER'S COMPENSATION 5 ILCS 120/2(c)(12):

Mr. Frieders provided Council with updates on worker's compensation pending cases

PENDING LITIGATION 5 ILCS 120/2(c)(11) (continued)

Mr. Frieders advised Council that the Kling airport case was dismissed by the FAA but refiled.

PERSONNEL 5 ILCS 120/2(c)(1):

Mr. Biernacki reported that Connie Brown, Payroll Clerk, has chosen to retire to maintain her insurance benefits. He stated that staff would like to fill the position, but are cognizant of revenue restrictions and are willing to consider part time employees.

Mr. Biernacki provided Council with the current staffing plan. Additionally, he stated he has scaled back on some recommended new positions due to budget constraints. Depending on Council's direction, he said, staff could increase by 3.5.

Mr. Biernacki stated that Donna Johnson currently has a contract for 200 hours and he and Ms. Wright would like to increase it by 100 hours. Council concurred.

Mr. Biernacki advised Council that in the phase-out of retiree insurance, he is in Tier III which

makes him eligible for a \$3,000 match in a 457 account. He pointed out that his contract has a separate clause that the City will match dollar for dollar provided the City doesn't exceed 4% of his salary. He noted that the \$3,000 match would exceed that. Mr. Frieders added that an individual agreement will need to be done on this issue. Council thanked Mr. Biernacki for making them aware of this.

MINUTES OF CLOSED SESSIONS 5 ILCS 120/2(c)(21):

Ms. Wright advised Council that with the passage tonight at the regular meeting of the 2011 closed session minutes, she is current and will provide them from this point forward every six months.

ADJOURNMENT:

Ald. Teresinski moved to adjourn the closed session; seconded by Ald. Gallagher. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 10:54 p.m.

Approved: July 9, 2012
Released: July 9, 2018



**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB**

April 23, 2012

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, April 23, 2012 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 9:45 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, and Ald. David Baker. Absent was Ald. Monica O'Leary.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney, Ron Pearson, Interim Police Administrator, T.J. Moore, Public Works Director and Diane Wright, City Clerk.

PERSONNEL 5 ILCS 120/2(c)(1): (Released: July 8, 2019)

Mr. Biernacki referred to the purchase of 624 North 11th Street for the Resident Officer Program and requested approval at this time to backfill the Resident Officer's position prior to the budget process in that it will take some time to fill this position. Council consensus was to concur with Mr. Biernacki's request. Ron Pearson left the meeting at 9:46 p.m.

PURCHASE OF REAL PROPERTY 5 ILCS 120/2(c)(5): (Released: July 9, 2018)

Mr. Moore stated the City is eligible for federal funding for land surrounding the Airport near certain approaches. Mr. Moore discussed the Clark property at the Airport. He advised that there is no agreement to purchase; the property is an integral piece of property for the Airport, but the owner does not want to sell. He asked for Council concurrence to proceed with condemnation if a purchase agreement is not feasible. He further advised Council of issues with state funding. Council discussed the request and the property. Mr. Frieders advised Council of the proposed amount the City would offer based on its appraisal. He also advised Council of possible litigation and costs to the City. Consensus of Council was to proceed with recommendations. Mr. Moore left the meeting at 10:05 p.m.

PERSONNEL 5 ILCS 120/2(c)(1): (Released: July 8, 2019)

Mr. Biernacki advised Council he is recommending wage increases for management employees in the FY 13 budget. Additionally, he discussed cost of living increases for management. He discussed comps from local communities and stated the average is 2.43%. Council discussed extensively comps, cost of living amount for management and cost of living increases for unions. Consensus was to approve 2% cost of living for management.

Mr. Biernacki next referred to a line item in the current budget of \$50,000 for a management comp study for salaries. He suggested that rather than spending this amount, \$5,000 be allocated which would result in much of the study being done in house. He added that the current study is ten years old.

Mr. Espiritu added that a major reorganization of staff is being discussed, including management. Also, he said, if the City wants to attract good candidates, it must remain competitive with other communities. Consensus of Council was to agree with Mr. Biernacki's recommendation on the expenditure of \$5,000 for the management study.

COLLECTIVE BARGAINING 5 ILCS 120/2(c) (2): (Released: July 8, 2019)

Mr. Espiritu reported there is no update on collective bargaining pending the decision of the arbitrator on FOP.

PENDING LITIGATION 5 ILCS 120/2(c)(11): (Released: July 9, 2018)

Mr. Frieders provided a recap of pending litigation.

PERSONNEL 5 ILCS 120/2(c)(1): (Released: July 8, 2019)

Mr. Biernacki advised Council the City is approaching the end of the twelve-month contract with Mickey Wilson, et al. He stated that Dean Frieders has a proposal for Council consideration.

Mr. Frieders stated that although originally other attorneys from Mickey Wilson were going to represent the City along with him, he has been the sole attorney working for the City. Mr. Frieders advised Council that he would be separating from Mickey Wilson and provided a proposal of his services without the firm of Mickey Wilson. Mr. Frieders advised that he will be starting his own firm. He stated that the City spent approximately \$340,000 annually with Mickey Wilson and his proposal is substantially lower, with a savings of approximately \$140,000 annually. He stated that he would continue his three-day presence in the office. Additionally, he suggested restructuring some of the work. He suggested that the City contract with another attorney to handle traffic court. Council discussed extensively the proposal, and the consensus was to move forward with Mr. Frieders' proposal.

ADJOURNMENT:

Ald. Lash moved to adjourn the closed session; seconded by Ald. Jacobson. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 10:40 p.m.

Approved: July 9, 2012
Partial Release: July 9, 2018
Full Release: July 8, 2019

DIANE WRIGHT, City Clerk



**MINUTES
COMMITTEE OF THE WHOLE MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB**

May 14, 2012

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on Monday, May 14, 2012 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 6:50 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney, Ron Pearson, Interim Police Administrator, T.J. Moore, Public Works Director and Diane Wright, City Clerk.

SECURITY PROCEDURES AND USE OF PERSONNEL 5 ILCS 120/2(c)(8)

(Released: March 22, 2021)

Mr. Espiritu stated that the City will be sending officers to Chicago to assist with security during the NATO conference next weekend. The City of Chicago requests that an intergovernmental agreement to provide this assistance be signed and returned tomorrow. Staff recommends signage, he said. Mr. Frieders added that staff may be requesting at a future Committee of the Whole meeting Council approval to authorize the Mayor, City Manager or department head authorization to enter into these types of agreements for immediate mutual aid in the future. He stated that staff requests that Mr. Espiritu be authorized to sign this agreement at this time in the absence of the City Manager. Council concurred,

PENDING LITIGATION 5 ILCS 120/2(c)(11):

Mr. Frieders discussed updates to the airport litigation. He advised Council that their defense litigators advised that if it is possible to settle the case, it may be beneficial in that the City may incur up to six figures in defense costs. Council discussed extensively negotiations and settlement possibilities. It was the consensus of Council to stay firm in the defense.

ADJOURNMENT:

Ald. Lash moved to adjourn the closed session; seconded by Ald. O'Leary. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 7:05 p.m.

Approved: July 9, 2012
Partial Release: March 22, 2021
Full Release: December 13, 2021

DIANE WRIGHT, City Clerk



**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB**

May 14, 2012

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, May 14, 2012 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 9:55. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson (arrived at 9:57 p.m.), Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney, Michelle Anderson, Assistant Human Resources Director and Diane Wright, City Clerk.

PERSONNEL 5 ILCS 120/2(c)(1):

Ms. Anderson referred to a spreadsheet distributed to Council and discussed the phase-out of retiree health insurance. Council asked further questions and discussed the figures.

WORKER'S COMPENSATION 5 ILCS 120/2(c)(12):

Mr. Frieders advised Council that the City recently settled a claim with a fire fighter with cardiac issues. Additionally, he advised Council of a fire fighter with extreme weight problems. He was placed on restricted duty and has now been cleared for full duty due to life style changes. Mr. Frieders noted this is a good example of the relationship of management and the IAFF in working together towards getting employee assistance.

PENDING LITIGATION 5 ILCS 120/2(c)(11):

Mr. Frieders updated Council on pending litigation cases. Additionally, he advised Council that staff has met with the insurer regarding claims. They have requested spending authority on non-comp claims in order to not involve the City. He added that staff recommends a \$10,000 spending authority level; anything over \$10,000 would require Council approval. He added they are proposing this be added to their contract. Council agreed to the \$10,000 authority.

Mr. Frieders stated that the insured company would like an escrow account set up by the City for claims to be charged on an "as paid basis." They would advise what they would charge based on past experience and the City would put money in an account which they would charge against periodically. He added they want insurance that if a large claim is presented, the City may lack the ability to pay without funds set aside. Council raised questions on the issue. Mr. Frieders stated a meeting would be set up to discuss further.

Ms. Anderson left the meeting at 10:15 p.m.

PERSONNEL 5 ILCS 120/2(c)(1):

Mr. Espiritu advised Council that management is budgeting two promotions in the next budget: Michelle Anderson as Human Resources Director and Jamie Smirz as Community Services Planner. Additionally, he said, he had information on Police Chief-Elect Lowery's background available in his office if anyone wanted to view it.

ADJOURNMENT:

Ald. Teresinski moved to adjourn the closed session; seconded by Ald. Naylor. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 10:20 p.m.

Approved: July 9, 2012
Released: December 13, 2021

DIANE WRIGHT, City Clerk



**MINUTES
COMMITTEE OF THE WHOLE MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB**

May 29, 2012

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on Tuesday, May 29, 2012 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 6:49 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, and Ald. Monica O'Leary. Absent was Ald. David Baker.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney, T.J. Moore, Public Works Director, Joel Maurer, Assistant Public Works Director/City Engineer and Diane Wright, City Clerk.

PURCHASE OF REAL PROPERTY 5 ILCS 120/2(c)(5) (Released: July 9, 2018)

Mr. Maurer discussed reconstruction of alleys east of Pearl and north of Gurler; the City does not have full ownership. He stated the property has an assessed value of \$6,700; indications are that the owner would take a lesser offer. Mr. Maurer recommended that the City offer \$3,150. Council consensus was to proceed.

PENDING LITIGATION 5 ILCS 120/2(c)(11):

Mr. Frieders discussed updates on litigation. He stated that staff obtained a temporary restraining order on the Wurlitzer building (which recently partially collapsed). Additionally, the City was conditionally granted an emergency search warrant to conduct an inspection of the building. Mr. Frieders added that the owners volunteered to allow inspection. It has been determined, he said, that there are very unsafe areas. A court hearing is scheduled on Thursday and he will ask to continue the injunction. He advised Council that there is a \$1.8 million mortgage on the property and it appears the owners are not financially able to deal with the demolition or other issues. He added it is estimated the cost would be between \$1 and \$2 million to take down portions of the building that are unsafe.

Mr. Frieders updated Council on the recent fatality of a child related to our EMS response. An investigation has been conducted, and it is the opinion that everyone responded to a difficult situation and the belief is there is no potential liability by the City. A brief schedule has been set on the Ertl matter which is an appeal during the case itself, he said. Additionally, Mr. Frieders updated Council on other pending litigation and settlements.

ADJOURNMENT:

Ald. Gallagher moved to adjourn the closed session; seconded by Ald. Lash. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 7:00 p.m.

DIANE WRIGHT City Clerk



**MINUTES
COMMITTEE OF THE WHOLE MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB**

June 11, 2012

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on Monday, June 11, 2012 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 6:50 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney, T.J. Moore, Public Works Director, and Diane Wright, City Clerk.

PENDING LITIGATION 5 ILCS 120/2(c)(11):

Mr. Frieders discussed updates on litigation. He noted that the City has a \$29,308 lien on the Rauworth property. Discussion ensued on the next steps to take. It was agreed that Mr. Frieders would talk to the bank to determine a figure they could agree. Further, he advised that Miskin, Nolan and Fitzgerald cases which are all scheduled for hearings on July 12.

Mr. Frieders advised that he and Mr. Moore met with Beau Pallets Company which is creating a sawdust problem for the City's maintenance area. The sawdust, he said, comes from their property and blows into equipment and the HVAC. Council discussed the issue, including passing an ordinance. It was the consensus of Council to given Beau Pallets an opportunity to remedy the situation. Mr. Frieders advised Council that the Wurlitzer building is still in the estate of the deceased father and the heirs are determining whether or not to accept it. Mr. Frieders added that he is attempting to schedule a meeting with them this month.

PERSONNEL 5 ILCS 120/2(c)(1): (Released: July 8, 2019)

Mr. Espiritu advised that state law requires that the City must post employees' salaries over \$75,000. He passed out a sheet listing all salaries and advised Council this will be released for publication.

ADJOURNMENT:

Ald. Lash moved to adjourn the closed session; seconded by Ald. O'Leary.. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 7:005 p.m.

Approved: July 9, 2012
Partial Release: July 9, 2018
Full Release: December 13, 2021



**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB**

June 25, 2012

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, June 25, 2012 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 8:59. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary. Absent was Ald. Tom Teresinski.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney, Gene Lowery, Police Chief and Diane Wright, City Clerk.

PERSONNEL 5 ILCS 120/2(c)(1): (Released: July 8, 2019)

Mr. Biernacki asked Council if there were any questions regarding the management pay plan in that Council did not pass or waive second reading of it at the meeting. Ald. Lash questioned the residency requirement. Mr. Biernacki replied the portion referred to is regarding emergency personnel. He added that Chapter 3 covers management employees, and this ordinance will eliminate the bargaining units from this Chapter in that their contracts reflect the emergency residency requirement.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(12): (Released: July 8, 2019)

Mr. Espiritu advised Council that notification was received from Mr. Bob Smith, Attorney, regarding the arbitrator's decision on FOP. He provided Council with the decision and noted that he was pleased with it. He thanked Council for their guidance and leadership during the process.

PENDING LITIGATION 5 ILCS 120/2(c)(2):

Mr. Frieders advised Council that all pending property cases have the same status as reported previously. He added that the City will be closing on Frontier and Diehl next week. The City is awaiting an answer from the defendant and the Clark case, he added. He noted that Mr. Fitzgerald is in compliance at this time. Also, he advised that Mark Espy is working on setting up a meeting with Beau Pallets.

ADJOURNMENT:

Ald. Naylor moved to adjourn the closed session; seconded by Ald. O'Leary. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 9:15 p.m.



Approved: July 9, 2012
Partial Release: July 8, 2019
~~Approved: July 9, 2012~~
~~Partial Release: July 9, 2018~~
Full Release: December 13, 2021

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB**

July 9, 2012

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, July 9, 2012 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 10:25 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary. Absent was Ald. David Jacobson.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager, Dean Frieders, City Attorney, Gene Lowery, Police Chief and Diane Wright, City Clerk.

PERSONNEL 5 ILCS 120/2(c)(1): (Released: July 8, 2019)

Mr. Biernacki advised Council of the resignation of Lt. Gary Spangler. He noted that Chief Lowery is working on a reorganization of the department and will present it to Council at the first meeting in August. He added that staff would like approval to begin the process to fill Lt. Spangler's position. Council concurred.

PENDING LITIGATION 5 ILCS 120/2(c)(2): (Released: July 9, 2018)

Mr. Frieders advised Council that Cindy Kreutziger of the Finance Department was injured on October 24, 2008 and made a verbal report two months later; a second report was made in 2009. The City denied settlement because the incident wasn't reported in a timely fashion. She has since hired an attorney. Additionally, he advised Council of a Public Works employee with a bicep tear.

Mr. Frieders gave an update on the airport litigation, along with Fitzgerald, Miskin and Nolan cases. Also, he advised Council that he has been in contact with the heirs of the Wurlitzer building who advised they have received demolition quotes ranging between \$300,000 and \$600,000. Their insurance company will not provide the funds, he said. If the City intervenes on the demolition, TIF funds could be used and the City would have a lien on the property, he added. Further, he said, there is a mortgage balance on the property of \$1.3 million. Council discussed the options.

ADJOURNMENT:

Ald. Lash moved to adjourn the closed session; seconded by Ald. O'Leary. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 10:40 p.m.

Approved: January 14, 2013
Partial Release: July 9, 2018
Full Release: July 8, 2019



**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB**

July 23, 2012

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, July 23, 2012 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 9:10 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary. Absent was Ald. Brendon Gallagher.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager, Dean Frieders, City Attorney, T.J. Moore, Public Works Director and Diane Wright, City Clerk.

PENDING LITIGATION 5 ILCS 120/2(c)(2):

Mr. Frieders provided Council with an update on the Ertl litigation. Additionally, he apprised Council regarding Clark, Miskin, Nolan, and Rauworth properties. Mr. Frieders advised Council that the mediator would like to meet with Council regarding the airport litigation at the City's cost. Council discussed this extensively including settlement, and asked further questions of Mr. Frieders.

Mr. Frieders updated Council regarding a further collapse at the Wurlitzer building. A permanent fence is being erected, he said. There are issues regarding insurance coverage, he said, for the heirs. Council discussed the City's potential future involvement.

ADJOURNMENT:

Ald. Jacobson moved to adjourn the closed session; seconded by Ald. Naylor. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 9:50 p.m.



Approved: January 14, 2013
Released: July 9, 2018

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB**

August 13, 2012

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, August 13, 2012 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 10:33 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary. Absent was Ald. Kristen Lash.

Also present were: Mark Biernacki, City Manager, Dean Frieders, City Attorney, and Diane Wright, City Clerk.

PENDING LITIGATION 5 ILCS 120/2(c)(2):

Mr. Frieders advised Council that an offer was made regarding the airport litigation with a counter offer. He provided an update on the Ertl litigation. Also, the preliminary injunction is in place on the Wurlitzer building, he said. Additionally, Mr. Frieders provided updates on Nolan, Miskin, Fitzgerald and Rauworth properties.

ADJOURNMENT:

Ald. Jacobson moved to adjourn the closed session; seconded by Ald. O'Leary. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 10:40 p.m.

Approved: January 14, 2013
Released: July 9, 2018

DIANE WRIGHT, City Clerk



**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB**

August 27, 2012

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, August 27, 2012 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 8:55 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager, Dean Frieders, City Attorney, Gene Lowery, Police Chief, Officer Aaron Gates and Diane Wright, City Clerk.

SECURITY PROCEDURES AND USE OF PERSONNEL 5 ILCS 120/2(c)(8)

(Released: March 22, 2021)

Mr. Biernacki reminded Council that the Regular Meeting Agenda was amended earlier to include this item and noted that it is of great concern to the City. Chief Lowery advised Council that NIU Move-In Day began Thursday, August 23rd and he relayed the amount of incidents and calls during that time and throughout the weekend, particularly at 800 Edgebrook and in Zone 1. There were parties in the streets, he reported, with estimates of 500 people. Assistance was asked from the State of Illinois but they were unable to send any personnel.

He pointed out that there were gang members visibly in the crowds. Chief Lowery reported that bottles were thrown at officers during this time. A disorderly house citation was issued to Townsend Properties and they began towing cars.

Council considered extensively the incidents during the weekend and discussed a plan for future similar episodes. Chief Lowery noted that he received cooperation from NIU Police to assist with the situation. He added that he is meeting with Student Affairs at NIU.

Chief Lowery and Officer Gates left the meeting at 9:35 p.m.

PERSONNEL 5 ILCS 120/2(c)(1):

Mr. Frieders provided Council with background on medical issues of a telecommunicator and recent disciplinary issues. Council discussed the topic and asked questions of Mr. Frieders and Mr. Biernacki.

Mr. Biernacki advised that his Executive Secretary, Patti McAdams submitted her resignation with her last day of work on September 28, 2012. He asked for authorization to fill the position. Council agreed to fill the position.

PENDING LITIGATION 5 ILCS 120/2(c)(11) (Released: July 9, 2018)

Mr. Frieders updated Council on litigation concerning Ertl and Miskin cases.

ADJOURNMENT:

Ald. Lash moved to adjourn the closed session; seconded by Ald. Baker. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 9:50 p.m.



Approved: January 14, 2013
Partial Release: July 9, 2018
Partial Release: March 22, 2021
Full Release: December 31, 2021

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
September 10, 2012**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, September 10, 2012 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 8:38 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Brendon Gallagher, Ald. Kristen Lash, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager, Dean Frieders, City Attorney, Police Chief Gene Lowery, Laura Pisarcik, Finance Director, and Diane Wright, City Clerk.

PENDING LITIGATION 5 ILCS 120/2(c)(2) (Released: July 9, 2018)

Mr. Frieders updated Council on litigation including the Rauworth property, and Kling litigation.

PERSONNEL 5 ILCS 120/2(c)(1):

Mr. Frieders explained the current situation with Telecommunicator Burke. Additionally, Council asked questions and discussed the employee's situation.

At 8:56, p.m., Mayor Povlsen asked that the door be opened.

MOTION

Ald. Gallagher moved to extend the Regular Meeting past 9:00 p.m.; seconded by Ald. Teresinski. Motion carried on voice vote. Mayor Povlsen declared the motion passed.

Mayor Povlsen closed the meeting to the public.

SECURITY PROCEDURES AND THE USE OF PERSONNEL 5 ILCS 120/2(c)(8):

(Released: July 8, 2019)

Chief Lowery provided an update to Council on Police incidents during August 23-26, 2012, most specifically at 800 Edgebrook. He noted that NIU "Move In Day" was scheduled the same weekend as Corn Fest and suggested that Corn Fest be possibly moved to another weekend. Also, he provided an update on Police incidents during Labor Day weekend, August 30-September 3, 2012 and September 6-9, 2012. Council discussed the issue extensively, including NIU's involvement and consensus was that Mr. Biernacki, Mayor Povlsen and Chief Lowery meet to strategize and begin discussion with NIU officials to discuss the severity of the escalating incidents.

ADJOURNMENT:

Ald. Lash moved to adjourn the closed session; seconded by Ald. Jacobson. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 9:45 p.m.

Approved: January 14, 2013
Partial Release: July 9, 2018
Partial Release: July 8, 2019
Full Release: December 31, 2021

DIANE K. WRIGHT, Clerk



**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
SEPTEMBER 24, 2012**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, September 24, 2012, in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 8:00 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Brendon Gallagher, Ald. Kristen Lash, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager, Dean Frieders, City Attorney, Police Chief Gene Lowery and Diane Wright, City Clerk.

PENDING LITIGATION 5 ILCS 120/2(c)(2): *(Released: July 9, 2018)*

Mr. Frieders provided an update to Council on the Nolan property. Additionally, he advised that the Kling lawsuit has settled; a settlement agreement will be forthcoming.

SECURITY PROCEDURES AND THE USE OF PERSONNEL 5 ILCS 120/2(c)(8):

(Released: March 22, 2021)

Chief Lowery provided a recap of incidents during August 19-September 22, 2012, notably in the Greek Row area. Total incidents were 4,286; 2,176 were in Zone 1, he reported with 588 Police overtime hours. He advised that surrounding agencies will provide staff support for the upcoming NIU homecoming weekend. He added that after homecoming, he will provide a proposal for longer term actions. Council discussed the item including NIU's involvement with solutions.

Chief Lowery left the meeting at 8:20 p.m.

SALE OR PURCHASE OF REAL PROPERTY 5 ILCS 120/2(c)(7): *(Released: July 8, 2019)*

Mr. Biernacki discussed a potential sale of City land at the former DeKalb Feed lot. Council direction was to get an appraisal.

ADJOURNMENT:

Ald. Lash moved to adjourn the closed session; seconded by Ald. Gallagher. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 8:25 p.m.

DIANE WRIGHT
Deputy City Clerk



Approved: January 14, 2013
Partial Release: July 9, 2018
Partial Release: July 8, 2019
Full Release: March 22, 2021

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB**

October 8, 2012

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, October 8, 2012 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 8:27 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Brendon Gallagher, Ald. Kristen Lash, Ald. Ronald Naylor, and Ald. David Baker. Absent was Ald. Monica O'Leary.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager, Dean Frieders, City Attorney, Police Chief Gene Lowery and Tamme Higgins, Deputy City Clerk.

Mr. Biernacki asked that the Agenda be amended for Closed Session.

At 8:27 p.m. Mayor Povlsen asked that the door be opened to reconvene the Regular Meeting.

SECURITY PROCEDURES AND THE USE OF PERSONNEL 5 ILCS 120/2(c)(8):

(Released: July 8, 2019)

Mr. Biernacki advised that this item was initially mislabeled as Personnel on the Regular Agenda.

Chief Lowery asked for consideration to hire three (3) additional part time telecommunicators due to unforeseen shortages in that area. After questions and discussion, it was consensus of Council to proceed.

PENDING LITIGATION 5 ILCS 120/2(c)(2): *(Released: July 9, 2018)*

Mr. Frieders advised Council of updates in the airport litigation and Clark condemnation.

ADJOURNMENT:

Ald. Jacobson moved to adjourn the closed session; seconded by Ald. Gallagher. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 8:40 p.m.

Approved: January 14, 2013
Partial Release: July 9, 2018
Full Release: July 8, 2019

TAMMEY HIGGINS, Deputy City Clerk

The seal of the City of DeKalb, State of Illinois, is a circular emblem. It features a central shield with a plow and a sheaf of wheat, symbolizing agriculture. Above the shield is a banner with the word "DEKALB". The outer ring of the seal contains the text "CITY OF DEKALB" at the top and "STATE OF ILLINOIS" at the bottom, separated by small stars.

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB**

October 22, 2012

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, September 24, 2012 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 9:25 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Brendon Gallagher, Ald. Kristen Lash, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Mark Biernacki, City Manager, Dean Frieders, City Attorney, Michelle Anderson, Human Resource Director, and Diane Wright, City Clerk.

WORKER'S COMPENSATION ILCS 120/2(c)(12):

Mr. Frieders provided an update to Council on all settled and open worker's compensation cases. Ms. Anderson explained the semi-annual report through July 30th with each department listed. Council discussed the information given.

PENDING LITIGATION 5 ILCS 120/2(c)(11)

Mr. Frieders discussed the settlement agreement on the airport litigation. Additionally, he updated Council on the Ertl case and the code violations on the Fitzgerald case.

ADJOURNMENT:

Ald. Gallagher moved to adjourn the closed session; seconded by Ald. Lash. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 9:50 p.m.

Approved: January 14, 2013
Released: July 9, 2018



**MINUTES
COMMITTEE OF THE WHOLE MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB**

November 13, 2012

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on Tuesday, November 13, 2012 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 6:49 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney, Gene Lowery, Police Chief and Diane Wright, City Clerk

SECURITY AND USE OF PERSONNEL 5 ILCS 120/2(c)(8):

Chief Lowery provided Council with his future proposal along with additional staffing needs and asked for Council's input. Mr. Biernacki added that it is important to tell the community what the City is doing to address crime and make this a public document. He added that there are some staffing commitments and asked for Council feedback to possibly address at budget meetings next spring. Council discussed the proposal and agreed to study it for future action at a later date.

ADJOURNMENT:

Ald. Jacobson moved to adjourn the closed session; seconded by Ald. Gallagher. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 7:00 p.m.

Approved: January 14, 2013
Released: July 8, 2019



**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
November 13, 2012**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Tuesday, November 13, 2012 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 9:38 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson (arrived at 9:40 p.m.), Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary. Absent was Ald. Brendon Gallagher.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney, and Diane Wright, City Clerk

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2): (Released: July 8, 2019)

Mr. Espiritu advised Council that it recently received an award for the phase-out of retiree insurance and its arbitration and applauded Council's decisions that led to this. Mr. Biernacki additionally recognized Mr. Espiritu's efforts in these areas.

PERSONNEL 5 ILCS 120/2(c)(1): (Released: July 8, 2019)

Mr. Biernacki advised that since his Executive Secretary retired, candidates applying for the position have not met expectations. He advised that Diane Wright suggested she combine the duties with the Clerk's. He noted the efficiency of this, and asked for consideration that the proposal take effect through May when Ms. Wright requested she return to part time status. He noted that this presents an opportunity to free up positions in another department. He reminded Council this is keeping with their intent when the Clerk's salary was modified by Council and provides accountability for the Clerk's office. Discussion involved the duties of the Clerk and what can be delegated. Council concurred on the recommendation.

PENDING LITIGATION 5 ILCS 120/2(c)(11): (Released: July 9, 2018)

Mr. Frieders provided Council with updates including Mishkin, Fitzgerald and Rauworth cases.

WORKER'S COMPENSATION 5 ILCS 120/2(c)(12): (Released: July 9, 2018)

Mr. Frieders provided Council with updates of open and settled worker's compensation issues.

ADJOURNMENT:

Ald. Lash moved to adjourn the closed session; seconded by Ald. O'Leary. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 9:55 p.m.



**MINUTES
COMMITTEE OF THE WHOLE MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
December 10, 2012**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on Monday, December 10, 2012 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 6:46 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney, Michelle Anderson, Human Resources Director and Diane Wright, City Clerk

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2): (Released: July 8, 2019)

Ms. Anderson handed out a recap of savings on phasing out retiree insurance which will be \$113 million over forty (40) years.

PENDING OR IMMINENT LITIGATION 5 ILCS 120/2(c)(11):

Mr. Frieders explained plans are to pursue demolition on the Nolan property this month. Also, he advised that the heirs to the Wurlitzer building are suing their insurance company due to the denial of coverage. He noted that the building is further deteriorating and there will be further damage to it this winter.

Mr. Frieders advised Council that staff has become aware of an issue and wanted to apprise Council of it. The potential litigation involves a bid package that was put together by the construction manager and conflicts with the architect's specifications. Certain items were not included in the electrical contract, he said, which amounts to an estimated \$270,000 dispute. The low bidder (contractor) refuses to do the work and will walk off the job, he said. Mr. Frieders stated that staff is waiting for the construction manager to solve the issue. Council encouraged resolution of the matter.

ADJOURNMENT:

Ald. Gallagher moved to adjourn the closed session; seconded by Ald. Lash. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 7:00 p.m.

Approved: January 14, 2013
Partial Release: July 8, 2019
Full Release: December 31, 2021

DIANE WRIGHT, City Clerk





EXECUTIVE-CLOSED SESSION MINUTES INDEX

2013		Recommendation for Release	
		Yes	No
January 14, 2013 (Regular) Approved: April 22, 2013	Pending Litigation	X	
	Purchase of Real Property	Released: July 8, 2019	
	Sale of Real Property	Released: March 22, 2021	
January 28, 2013 (Regular) Approved: April 22, 2013 Audio Destroyed: March 15, 2019	Personnel	Released: April 22, 2013	
	Purchase of Real Property		
February 11, 2013 (COW) Approved: April 22, 2013 Audio Destroyed: June 17, 2019	Pending Litigation	Released: April 22, 2013	
	Purchase of Real Property		
February 25, 2013 (Regular) Approved: April 22, 2013	Personnel	X	
	Purchase of Real Property	Released: July 8, 2019	
March 11, 2013 (COW) Approved: April 22, 2013	Pending Litigation	Released: July 9, 2018	
	Personnel	Released: July 8, 2019	
	Purchase of Real Property	Released: July 9, 2018	
March 25, 2013 (COW) Approved: April 22, 2013	Collective Bargaining	X	
	Pending Litigation	Released: July 9, 2018	
March 25, 2013 (Regular) Approved: April 22, 2013 Audio Destroyed: June 17, 2019	Pending Litigation	Released: April 22, 2013	
	Personnel		
April 8, 2013 (COW) Approved: April 22, 2013	Pending Litigation	X	
	Personnel	Released: July 8, 2019	
April 13, 2013 (Special) Approved: April 22, 2013	Collective Bargaining	Released: July 8, 2019	
April 22, 2013 (Regular) Approved: December 9, 2013	Collective Bargaining	Released: July 8, 2019	
	Pending Litigation	Released: July 9, 2018	
	Personnel	Released: July 8, 2019	
	Worker's Compensation	Released: July 9, 2018	
May 13, 2013 (Regular) Approved: December 9, 2013	Collective Bargaining	Released: July 8, 2019	
	Pending Litigation	Released: March 22, 2021	
	Personnel	Released: July 8, 2019	
	Sale or Lease of Property	Released: March 22, 2021	
May 28, 2013 (Regular) Approved: December 9, 2013	Collective Bargaining	Released: July 8, 2019	
	Pending Litigation	X	
	Personnel	Released: July 8, 2019	
	Sale or Lease of Property	Released: July 9, 2018	
June 10, 2013 (COW) Approved: December 9, 2013	Collective Bargaining	Released: July 8, 2019	
	Pending Litigation	Released: July 9, 2018	
	Purchase or Lease of Real Property	Released: March 22, 2021	
June 11, 2013 (Special) Approved: December 9, 2013	Collective Bargaining	X	
	Pending Litigation	Released: July 9, 2018	
	Personnel	X	



EXECUTIVE-CLOSED SESSION MINUTES INDEX

2013		Recommendation for Release	
		Yes	No
June 24, 2013 (COW) Approved: December 9, 2013	Collective Bargaining	X	
	Pending Litigation	X	
	Personnel	X	
	Purchase or Lease of Real Property	Released: July 8, 2019	
July 8, 2013 (Regular) Approved: December 9, 2013	Collective Bargaining	X	
	Pending Litigation	X	
	Personnel	Released: July 8, 2019	
	Purchase or Lease of Real Property	Released: July 8, 2019	
July 22, 2013 (Regular) Approved: December 9, 2013	Collective Bargaining	X	
	Pending Litigation	X	
	Personnel	Released: July 8, 2019	
	Update on City Manager Selection	Released: March 22, 2021	
August 12, 2013 (COW) Approved: December 9, 2013	Pending Litigation	X	
	Purchase or Lease of Real Property	Released: March 22, 2021	
August 12, 2013 (Regular) Approved: December 9, 2013	Pending Litigation	X	
	Personnel	Released: March 22, 2021	
August 26, 2013 (Regular) Approved: December 9, 2013	Collective Bargaining	Released: July 8, 2019	
	Pending or Threatened Litigation	Released: July 9, 2018	
	Security Procedures	Released: March 22, 2021	
September 9, 2013 (Regular) Approved: December 9, 2013	Collective Bargaining	Released: July 8, 2019	
	Pending Litigation	Released: July 9, 2018	
	Personnel	Released: July 8, 2019	
	Purchase or Lease of Real Property	Released: July 9, 2018	
September 23, 2013 (Regular) Approved: December 9, 2013	Collective Bargaining	Released: July 8, 2019	
	Pending Litigation	Released: July 9, 2018	
	Personnel	Released: July 8, 2019	
October 14, 2013 (Regular) Approved: December 9, 2013	Collective Bargaining	X	
	Pending Litigation	Released: March 22, 2021	
	Personnel	Released: July 8, 2019	
	Sale or Lease of Real Property	Released: March 22, 2021	
October 16, 2013 (Special) Approved: December 9, 2013	Personnel	Released: March 22, 2021	
October 28, 2013 (COW) Approved: December 9, 2013	Pending Litigation	Released: March 22, 2021	
	Personnel		
	Security Procedures and the Use of Personnel		
November 1, 2013 (Special) Approved: December 9, 2013	Pending Litigation	Released: March 22, 2021	
	Personnel		
	Security and Use of Personnel		
	Selection of a Person to Fill a Public Office		
November 9, 2013 (Special) Approved: December 9, 2013	Personnel	Released: March 22, 2021	
	Selection of a Person to Fill a Public Office	Released: July 8, 2019	
November 12, 2013 (COW) Approved: December 9, 2013	Pending Litigation	Released: March 22, 2021	
	Personnel	Released: July 8, 2019	
	Purchase or Lease of Real Property	Released: March 22, 2021	



EXECUTIVE-CLOSED SESSION MINUTES INDEX

2013		Recommendation for Release	
		Yes	No
November 25, 2013 (COW) Approved: December 9, 2013	Collective Bargaining	Released: July 8, 2019	
	Pending Litigation	Released: March 22, 2021	
	Personnel	Released: July 8, 2019	
	Purchase of Real Property	Released: July 9, 2018	
	Security Procedures and Use of Personnel	Released: March 22, 2021	
December 9, 2013 (COW) Approved: June 23, 2014	Collective Bargaining	Released: July 8, 2019	
	Pending Litigation	Released: July 9, 2018	
	Personnel	Released: July 8, 2019	
	Purchase of Real Property	Released: July 8, 2019	

Unless otherwise noted, audio recordings of the 2013 Executive Session meetings destroyed August 9, 2019, as per Resolution 2019-110.

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
JANUARY 14, 2013**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, January 14, 2013 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 8:40 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, and Ald. O'Leary. Absent was Ald. Baker.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney, Fire Chief Hicks, and Diane Wright, City Clerk

PENDING LITIGATION 5 ILCS 120/2(c)(11)

Mr. Frieders updated Council on the Ertl litigation. He stated that the only reason a settlement would make sense is that it is significantly less than moving forward. He gave a figure of \$1 million.

Mr. Frieders noted we are waiting on an EPA clearance on the drive-in and hope it will be demolished by the end of the month. He also updated Council on the Fitzgerald case. We are seeking a judgment of \$40,000 and should have a ruling by the 28th. Expectations are for a judgment between \$10,000-\$20,000 and the next step would be to try and enforce the judgments. It is believed there are no assets and could be they are heavily mortgaged and the City would receive nothing and could force them off the property. Before proceeding, Mr. Frieders wanted to insure that is the direction Council wants to take.

Mr. Frieders provided an update on the Clark condemnation at the Airport. He noted that he looks like a settlement of \$400,000 and is proceeding well. This amount doesn't include demo, or the settlement could include that Clark demolish it as part of the purchase price.

SALE OF REAL PROPERTY 5 ILCS 120/2(c)(6) *(Released: March 22, 2021)*

Mr. Biernacki stated that DIMCO approached the City and made an offer of \$35,000 for the DeKalb Feed on 7th. It was appraised at \$73,000. He asked for Council direction. He added that some trucks and businesses use the property and it is a landscape waste drop-off site. Ald. Naylor suggested looking to see if it is included in the downtown TIF district and make it useable. Council agreed more investigation is required.

MOTION TO EXTEND MEETING

At 8:55 p.m., Ald. Jacobson moved to extend the meeting past 9:00 pm; seconded by Ald. O'Leary. Motion carried on voice vote. Mayor Povlsen declared the motion passed.

PURCHASE OF REAL PROPERTY 5 ILCS 120/2(c)(5) (Released: July 8, 2019)

Mr. Biernacki advised that the Clinic intends to auction its old properties in March and asked if Council is interested in the properties. He noted that plans are to remodel the City Hall building and move all staff from across the street here. He added that both Clinic building are being sold together. He asked if Council would want to bid to control future use of the block or allow other to use it. Ald. Jacobson said he thinks the auction would be \$400,000; it is a tear-down at best. He added there are 80 useable parking spots. Ald. Teresinski asked how much in remediation.

Ald. Naylor asked how this fits in the overall downtown plan; Mr. Biernacki said residential. Ald. Gallagher suggested looking around to see if anyone is interested and develop a budget. Ald. Jacobson said \$350,000. Mr. Biernacki stated a decision doesn't need to be made tonight. Mr. Espiritu stated we could talk to the Library about the problems there. Mr. Biernacki stated staff will come back with additional information. Mayor Povlsen stated this is a long term purchase.

ADJOURNMENT:

Ald. Gallagher moved to adjourn the closed session; seconded by Ald. Jacobson. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 9:10 p.m.

Approved: April 22, 2013
Partial Release: July 8, 2019
Partial Release: March 22, 2021
Full Release: December 31, 2021

DIANE WRIGHT, City Clerk



**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
JANUARY 28, 2013**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, January 28, 2013 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 9:00 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. Baker and Ald. O'Leary.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney, Police Chief Lowery, Roger Hopkins, Economic Development Consultant, TJ Moore Public Works Director, and Diane Wright, City Clerk

PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(c)(1)

Chief Lowery stated that Lt. Leoni has resigned for the Police and asked that he be allowed to replace him. Additionally, he asked for slots to be filled with the Telecommunicators. Consensus of Council was to proceed.

Chief Lowery left the meeting at 9:30 p.m.

PURCHASE OF REAL PROPERTY 5 ILCS 120/2(c)(5)

Mr. Biernacki asked if Council wishes to participate in the auction for the Clinic properties. Mr. Hopkins advised there could be an advance sale prior to the auction. He noted that they have come from \$.4 million to \$700,000, but he thinks we are more interested in the annex property and he is unsure if they will separate. He added there are not a lot of companies looking for a building this large. Ald. Baker asked how many parking spots; Mr. Hopkins replied 85. Mr. Hopkins stated that the rationale is trying to value the property at \$10/square foot, \$500,000 approximate and subtract the cost of demolition - \$310,000. The net before remediation is \$204,000; the environmental contract estimate of the annex is \$67,000.

Ald. Teresinski raised concern about liabilities and asked if the City would inherit any residuals; the environmental report is on record. Ald. Lash asked if anyone else is interested. Mr. Hopkins stated non-profit organizations could be interested and the benefactors could be sponsors. Mr. Biernacki stated that would be for the main building – not the annex.

Ald. Gallagher said he deferred to Ald. Jacobson and asked about submitting a closed bid ahead of time. Ald. Jacobson replied he doesn't see anyone interested in that road and it doesn't make sense for anyone else other than a municipality to have that size of a road. Ald. Teresinski stated the main clinic - \$126,000 after remediation. Ald. Naylor asked what the City would do with it. Mr. Biernacki suggested we take it down and fill it and create a development opportunity. TIF

money could be involved, he said; \$1 million to have it shovel-ready for someone else.

Ald. Lash asked what the City would offer. Ald. Gallagher repeated we should submit a closed bid ahead of time. Ald. Baker asked how this can be justified, and asked what the plan is. HE said we could make an offer and have them respond before the next meeting. Mr. Hopkins stated that Alice will be on vacation. Mayor Povlsen asked if there was consensus for both buildings.

Ald. Baker suggested looking at the possibility of them giving up the A&P building and selling the other one. He said we could make an offer for A&P building and we know we will have to take on \$400,000 from TIF then they can split it off before the auction. Mr. Hopkins said Alice said she thought the Board would only respond if we brought in a "high six" figure.

Mr. Frieders asked when they reject your offer, what is your next move? You will be creating a difficult position to be in.

ADJOURNMENT:

Ald. Gallagher moved to adjourn the closed session; seconded by Ald. Lash. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 9:40 p.m.

Approved: April 22, 2013
Released: April 22, 2013



**MINUTES
COMMITTEE OF THE WHOLE MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
FEBRUARY 11, 2013**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on Monday, February 11, 2013 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 6:50 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, and Ald. David Baker. Absent were Ald. Teresinski and Ald. O'Leary.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney, Roger Hopkins, Economic Development Consultant and Diane Wright, City Clerk

PURCHASE OF REAL PROPERTY 5 ILCS 120/2(c)(5)

Mr. Biernacki advised Council of staff's best estimate of the two DeKalb Clinic properties. Pursuant to previous Council discussion, staff was directed to have a conversation with the Clinic. He stated that the estimates were shared with leadership of the Clinic and staff did not receive an unfavorable response although it is lower than they expected. He added that staff believes they will accept an offer from the City prior to the auction. One property will not be sold off separately, he said. Figures were reported of \$292,000 and \$293,000 respectively. Mr. Biernacki asked for Council direction and asked if it is the intention to sell of what is not wanted. Mayor Povlsen stated the City will have another empty building.

Ald. Baker stated they will have to come to us and we can tell them we want half. Ald. Lash suggested waiting for the auction and added to wait and see if no one wants the main building. Ald. Baker disagreed and said the City has no plan for it; it is ridiculous. Mr. Frieders stated the view the Annex having a better value than the Clinic; they viewed it the other way.

Mr. Biernacki stated there is value in protecting our long term interest; we could control the entire block and creating an opportunity. Ald. Gallagher stated it needs to go to auction. Ald. Jacobson said this is the maximum we would pay and thinks we can get it at a fraction of the cost. He added he doesn't think it makes sense to buy it now. Mr. Biernacki replied that the City just built up an expectation with them. Ald. Gallagher said that the main thing was to see if they would split it up. Ald. Naylor asked if we would still go to the auction. Ald. Lash said she is concerned they saw these numbers. Mr. Biernacki stated these numbers were less than what they wanted.

Mr. Hopkins said if they do not get back on the entire collection of properties, they have five separate parcels which could fragment the properties; a housing development plan could emerge.

Ald. Baker asked about the zoning. Mr. Biernacki replied CBD zoned. Ald. Jacobson said they are unrealistic in valuing the building.

Ald. Naylor said \$525,000 combined – they are looking at the high six figures. Mr. Frieders cautioned that the City doesn't have anyone with the dollar amount authority to go to the auction. Ald. Jacobson stated we have to reach out to Almberg (sp?). Mayor Povlsen stated we do not have the ability to make it without the purchasing authority. Mr. Frieders stated nothing is binding until you vote in open session. He added we can negotiate with them when we think what the votes are, but we can't make it binding until Council votes. Also, he said, if you have the money, you can't ratify an unauthorized act of event; it is a violation of OMA. Mayor Povlsen stated we cannot go to auction; we do not have enough support to go.

PENDING LITIGATION 5 ILCS 120/2(c)(11)

Mr. Frieders stated that Big Ray's is gone; we did not have to spend any money. Hearing on Fitzgerald in Mark and expect demo order then; obtained \$17,000 judgment against him. We will force him to pay or force foreclosure.

ADJOURNMENT:

Ald. Jacobson moved to adjourn the closed session; seconded by Ald. Lash. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 7:05 p.m.



DIANE WRIGHT, City Clerk

Approved: April 22, 2013
Released: April 22, 2013

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
FEBRUARY 25, 2013**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, February 25, 2013 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 9:40 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Baker and Ald. O'Leary. Absent was Ald. Naylor.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney, Police Chief Gene Lowery, and Diane Wright, City Clerk

PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(C)(1):

Mr. Frieders advised Council an off-duty Police Officer has pending felony charges. Chief Lowery relayed the situation; on February 20th Officer Wesson was headed to DeKalb from Rockford and apparently consumed alcohol. Apparently, he hit a pedestrian on Malta Road, slowed down, but did not stop and left the scene. The Sheriffs were able to locate him through his license plate. He admitted he had been on the roads and thought he hit a sign. There was probable cause to arrest and mandatory blood draw; he was highly intoxicated four hours after the accident. He has had previous disciplinary action. He is relieved of gun, keys and any police powers. Chief Lowery added if his blood comes back exceeding the limits, he will move to terminate. Mr. Frieders further explained all options.

Chief Lowery left the meeting at 9:50 p.m.

PURCHASE OF REAL PROPERTY 5 ILCS 120/2(c)(5) (Released: July 8, 2019)

Mr. Frieders advised that staff is having difficulty with getting an easement for Pizza Hut for the upgrade to Carroll Avenue intersection. He noted that at this time we are attempting to acquire the property and will look at condemnation procedures.

Mr. Biernacki reported there is no update on the DeKalb Clinic.

Ald. Jacobson said he discussed with Mr. Frieders the possibility of a conflict if he pursues the property. He advised that he will be a bidder at the auction and doubts the offer will be accepted. Mr. Frieders stated that it would not be a conflict assuming it had no impact on deliberations with Council. He also noted that it would not be TIF eligible or eligible for other City assistance and that any form of zoning change, permit or other redevelopment activity would be challenging. Ald. Jacobson stated he was going to bid \$50,000.

Mr. Espiritu left the meeting at 9:58 p.m.

PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(C)(1):

Mr. Biernacki stated his anniversary date is February 17th. He asked Council if they wished to proceed with his evaluation and noted there was debate on the evaluation instrument previously. He added he is at the top of his scale and ineligible for a salary adjustment, but eligible for lump sum. He distributed a sheet of comparable salaries with other city managers.

Mr. Biernacki advised Council he is retiring in the next several months. He added that the timing is right; a new Mayor and Council Members will be in place and they deserve a new city manager. He stated he hasn't chosen a specific date but intends to talk to the four mayoral candidates and will work toward what the majority wants. He asked that this be kept confidential and added he will talk with the department heads tomorrow. He stated he could leave as soon as May 3.

Mr. Biernacki left the room at 10:05 p.m.

Council discussed whether or not to proceed with the evaluation. Ald. Gallagher said it should be done. They discussed the evaluation process and possibility of a lump sum.

Ald. Gallagher left the meeting at 10:10 p.m.

Council continued discussion regarding Mr. Biernacki. Mayor Povlsen asked all to complete the evaluation and submit to either him or the HR Director.

ADJOURNMENT:

Ald. Lash moved to adjourn the closed session; seconded by Ald. Teresinski. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 10:15 p.m.



Approved: April 22, 2013
Partial Release: July 8, 2019
Full Release: December 31, 2021

**MINUTES
COMMITTEE OF THE WHOLE MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
MARCH 11, 2013**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on Monday, March 11, 2013 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 6:25 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. David Baker and Ald. Monica O'Leary. Absent were: Ald. Kristen Lash, Ald. Brendon Gallagher and Ald. Ronald Naylor.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney, Gene Lowery, Police Chief and Diane Wright, City Clerk

PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(c)(1) (Released: July 8, 2019)

Mr. Frieders advised discussions took place with FOP regarding Officer Wesson. They related our discussion of voluntary resignation to him. Officer Wesson opted to resign and signed an agreement with the City stating he has no claims against the City. Chief Lowery stated that this resignation will put the staffing two short and asked Council for approval to fill the two vacancies. The Council consensus was to fill the positions.

Chief Lowery left the meeting at 6:30 p.m.

PURCHASE OF REAL PROPERTY 5 ILCS 120/2(c)(5) (Released: July 9, 2018)

Mr. Frieders stated that staff was able to begin the purchase of property with Pizza Hut. Regarding the Clark property, he stated that staff is attempting to leverage the purchase because there are a number of trees and buildings that need to be demolished. He stated that the price is now at \$400,000 for the bare property and the demo could cost approximately \$100,000.

PENDING LITIGATION 5 ILCS 120/2(c)(11) (Released: July 9, 2018)

Mr. Frieders noted that the Fitzgerald trial has been continued; Fitzgerald did not comply with our discovery requests, he added. Staff will commence foreclosing on some of the Mishkin properties, he said.

PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(c)(1) (Released: July 8, 2019)

Mr. Biernacki brought up the issue of his evaluation. Council decided to wait and see if Ald. Gallagher and Lash will be at the regular meeting.

ADJOURNMENT:

Ald. Jacobson moved to adjourn the closed session; seconded by Ald. O'Leary. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 6:39 p.m.

Approved: April 22, 2013
Partial Release: July 9, 2018
Full Release: July 8, 2019



**MINUTES
COMMITTEE OF THE WHOLE MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
MARCH 25, 2013**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on Monday, March 25, 2013 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 6:30 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney, Gene Lowery, Police Chief and Diane Wright, City Clerk

PENDING LITIGATION 5 ILCS 120/2(c)(11) /Released: July 9, 2018/

Mr. Frieders noted that an appellate opinion was received on the Ertl case. Ertl's attorneys refiled and failed to file for reinstatement and the time period ran out. In 2009 the Board of Fire and Police gave notice he was eligible to be reinstated; we are now in the process of revoking the offers. The Board will also vote to rescind the offer to reinstate. Mr. Frieders added that should not be any further claims and the City may be entitled to recover money on a check he has not cashed. Mr. Frieders stated the Fitzgerald trial has been pushed to April.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2):

Mr. Espiritu stated that the FOP contract expires in three months. He added that members have changed on their administrative board and they will not want to go to arbitration. He noted that management has worked hard to develop a working relationship with them. However, there is still a level of mistrust from the police. The board is willing to do interest based bargaining and a team has been put together to start on this process, he said. Initial issues he shared included eight step pay plan, increased contributions for insurance. He added that management is putting forth efforts into a wellness plan. Other issues would include ensuring evaluations are merit-based, residency incentive and a small cost of living increase.

Ald. Teresinski stated that Council drives the economic discussion and will need to have a plan together for all labor negotiations. He encouraged Council to cost the entire labor contract including health care. Ald. Gallagher stated the contracts should not be any longer than three years.

ADJOURNMENT:

Ald. Jacobson moved to adjourn the closed session; seconded by Ald. Gallagher. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 6:56 p.m.

Approved: April 22, 2013
Partial Release: July 9, 2018
Full Release: December 31, 2021



**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
MARCH 25, 2013**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, March 25, 2013 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 9:45 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Mark Biernacki, City Manager, Dean Frieders, City Attorney, and Diane Wright, City Clerk

PERSONNEL 5 ILCS 120/2(c)(1):

Mr. Biernacki stated that the composite ratings on his evaluation from Council were 7 out of 8. He thanked Council for the ratings.

Mr. Biernacki left the room at 9:46 p.m.

Council discussed Mr. Biernacki's performance during the rating period and whether to award a lump sum. The consensus was to award a lump sum of \$10,000.

Mr. Biernacki returned to the meeting at 10:00 p.m.

Mayor Povlsen advised Mr. Biernacki that Council agreed to award a one-time lump sum to Mr. Biernacki in the amount of \$10,000. Mr. Biernacki thanked Council.

PENDING LITIGATION 5 ILCS 120/2(c)(11):

Mr. Frieders advised Council that an agreement has been made with Pizza Hut.

ADJOURNMENT:

Ald. Teresinski moved to adjourn the closed session; seconded by Ald. Gallagher. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 10:05 p.m.

Approved: April 22, 2013
Released: April 22, 2013


DIANE WRIGHT, City Clerk


**MINUTES
COMMITTEE OF THE WHOLE MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
APRIL 8, 2013**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on Monday, April 8, 2013 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 6:20 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Teresinski, Ald. Kristen Lash, Ald. Naylor, Ald. Baker and Ald. O'Leary. Absent was Ald. Brendon Gallagher.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney, Fire Police Chief Eric Hicks, and Diane Wright, City Clerk

PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(c)(1); (Released: July 8, 2019)

Mr. Biernacki asked for Council authority to fill a position of fire fighter; Council consensus was to proceed.

PENDING LITIGATION 5 ILCS 120/2(c)(11).

Mr. Frieders stated that regarding the Ertl case, he has received \$100,000 and not cashed a check in the amount of \$125,000. There is indication there will be an appeal, he said; there was a dissenting justice. However, it may have a 50% chance that it will not likely happen, he said. He could come back and make a claim for pension related to prior employment. Clark Baird attorneys state it would be in the City's best interests to be out of the case. There could be \$10,000-\$15,000 in appeal costs with a potential for reversal. Clark Baird recommends going back to Ertl's attorneys stating we would agree to settle all for \$50,000, meaning he would refund \$50,000 back to the City. Council discussed the options; consensus was to agree with the recommendation. Also, they stated to lead with \$100,000 and settle with \$50,000.

PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(c)(1); (Released: July 8, 2019)

Ald. Naylor stated he had inquiries about filling the City Manager position and wanted to get it out to the public that it is being held under after the election. In the interim, he added, he would like to give direction to staff to bring back some alternatives to consider, i.e. in house or outside recruitment. Ald. Lash asked if home rule would be continued. She stated that state statute indicates that the term can be one year or through the term of the mayor. Ald. Baker noted that the City changed its ordinance for Mr. Biernacki and the City should now follow state statute.

ADJOURNMENT:

Ald. Jacobson moved to adjourn the closed session; seconded by Ald. Lash. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 6:40 p.m.

Approved: April 22, 2013
Partial Release: July 8, 2019
Full Release: December 31, 2021



**MINUTES
SPECIAL MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
APRIL 13, 2013**

The City Council of DeKalb, Illinois, held a closed session during the Special Meeting on Saturday, April 13, 2013 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Special Meeting of the same day.

The closed session started at 11:55 a.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Tom Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney, Gene Lowery, Police Chief, Eric Hicks, Fire Chief, TJ Moore, Public Works Director, Laura Pisarcik, Finance/Purchasing Director and Diane Wright, City Clerk.

Additionally, present were John Rey, Mayor-Elect; Bob Snow, Alderman Ward Two-Elect; Rob Oberwise, Executive Partners; Peter Burchard, Executive Partners; Larry Kujovich, Executive Partners; Bert Nuehring, Crowe Horwath; and Ann Ruggiero, Crowe Horwath.

Mr. Frieders stated that items are brought to executive session due to the nature of the item and that it is in the City's best interest to discuss in private. He stated that collective bargaining will be discussed. It is the request from Council and staff that these items be kept confidential. He added that in executive session, a narrow range of topics is permitted to be discussed. He cautioned that if specifics are addressed, that may veer into policy issues, and that discussion will not be permitted. A packet has been provided, he said, and it is important to be cognizant of the boundaries. You may be asked to contain your discussion if we feel it is not permitted, he said.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2):

Mr. Burchard stated that the City is at the very high end of medical costs. He stated that if management takes an aggressive action at the negotiation table and take some "claw backs," management and Council should know the net worth. He noted that the City is significantly behind in paying pension costs; 47% and 60%. Four years ago, EPI recommended a 70% goal, he said.

Ald. Teresinski stated that management has "costed out" every negotiation item to Council. The relevant costs need to be identified and it is essential before anything is on the table that all is discussed. Mr. Burchard stated the costs must be taken into account into the operating budget to know the long-term impact. He pointed out that Council and management must know the numbers and determine what is it doing to the overall cost burden to the City.

Ald. Gallagher addressed funding for pensions and stated that 70% is not a real number and would come into play if all retired now. Once the General Fund reaches 25%, the City could do a spreadsheet that would give additional \$1 million approximately into pensions by 2040, he said. He noted that the City is on track to be fully funded by 2021. Mr. Burchard stated there should be a pension policy. He added the 25% General Fund goal is a false success story because of what is not being paid for.

Mr. Burchard said the City should be congratulated for the high achievement of employee contributions to health care. He stated that a wellness program should be a focus for the City. It would entail a vendor program, set up and education and will take one full year to get running, but the payoff happens immediately. If the City wants to control costs of health care, it must have a wellness program. Ald. Teresinski asked what the cost savings are. Mr. Burchard stated the city spends \$5 million in health care; 10% can be taken off the cost with wellness. Mr. Oberwise added if the City wants to focus on something, this would be the issue to focus on.

Mr. Espiritu stated that IPBC has a wellness program. He added he has spoken to the union presidents and they also want to implement a wellness program as they are concerned about their work force. Mr. Burchard stated that the sooner the plan goes public, the better. Ald. Teresinski stated he would like to see what other communities are doing regarding wellness.

Mr. Frieders stated that the next discussion of the management pay plan is within the framework of the executive session.

Mr. Burchard stated the management pay plan which includes 43 positions hasn't been looked at in ten years. He noted that the key responsibility of the City is people and encouraged Council implement a plan and policy regarding an updated pay plan. The plan must be very specific, he said. The current pay plan reads similar to an excerpt from a union contract, he said. There must be a clear distinction between labor and management. The ranges in the management pay plan haven't been verified in a long time, he added.

It has been said that union employees refuse to take promotions into management because there is no separation between what they could earn in the union and then management, Mr. Burchard said.

Mr. Burchard stated the current work week is 37.5 hours for management and should be modified to a 40-hour week. He added that management is exempt from overtime and comp time. However, if eliminated, he said, there needs to be some remuneration to the employees. Questions he posed: 1) are the salaries largely legitimate; 2) is it funded on a regular basis; 3) will employees be treated fairly on a merit pay plan. The management team will want equity and trust, he said.

Mayor Povlsen stated he has a difficult time calling it a management pay plan in that there are huge differences between managers and those who do the books or collect bills. Those are not managers, but employees, he said. Mr. Burchard said the distinction is whether they are eligible for overtime and the City must determine if they are or are not. The result is exempt and non-exempt employees. If it means they do not get overtime, the City has positions that are inconsistent with federal law, he said. Positions that are subject to overtime should be within a 40-hour work week, he added.

Ald. Baker stated he has been uncomfortable with the 37.5 hours and that these meetings are held during non-working hours. He added he doesn't know how employees are using comp time and some may be adding weeks of vacation. He suggested that the management pay plan be considered. Mr. Burchard reminded Council they have a financial obligation on the comp time issue.

Mr. Oberwise stated that existing pay plan developed as a result of some trust issues. There are some issues relative to the management team and their ability to feel they are being treated fairly by Council, he said. He suggested that Council determine a method of dealing with the comp time. Mr. Burchard stated the study for the management pay plan would cost approximately \$25,000-\$50,000.

Mr. Burchard stated there is a lot of satisfaction from the labor unions in that they have outstanding contracts. He encouraged Council to read all of the three union contracts. He said that he doesn't think he could think of something he could ask for than the deal in the IAFF contract. This contract has a huge weight on the City, he said.

Mr. Burchard stressed that Council and management do an absolute cost on contracts and know the effects on the budget. He stated he will give Mr. Espiritu some claw back opportunities which will make small costly incremental steps in the future.

Mr. Burchard noted that the state labor relations board is not the City's friend; they are making decisions on arbitration and the City pays the bill based on decisions made by the state.

Mr. Snow left the meeting at 1:05 p.m.

Ald. Teresinski stated the message can be that we need to look at outsourcing more aggressively or downsize. He noted that after layoffs, the City enjoyed one of the best labor agreements. Ald. Jacobson stated outsourcing needs to be considered; going after individual claw backs is not the answer. The City needs to reset, he said.

Mr. Burchard recommended removing the battalion chiefs from the unions. Mr. Espiritu replied that it was attempted, and the question was "what are you going to give us; it will cost more to get them out of the union." Mr. Burchard stated the absolute minimum position for the City is that it cannot give anything else as a benefit. Mr. Espiritu stated that the unions come in with their comps. Mr. Burchard replied that management should fight that issue. Mr. Espiritu stated it is easy to say that but difficult when they are showing proof of these issues. He added he could come then to Council and ask them how they want to handle it. Mr. Burchard stated that tell them the City will go to layoffs or arbitration. One of the methods is to come out with a general policy statement on wages for union and management.

Ald. Naylor stated he appreciated the time spent. However, the idea was not to deliver a final report but provide ideas of where we are and recommendations. He noted that the two large issues weren't part of the overall study; there has not been mention of the large "gorillas" in the study that is really the cost to the City, i.e. public safety and labor costs associated with it. Those issues have not been addressed until the end of this session, he said.

ADJOURNMENT:

Ald. O'Leary moved to adjourn the closed session; seconded by Ald. Jacobson. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 1:16 p.m.

Approved: April 22, 2013
Released: July 8, 2019

DIANE WRIGHT City Clerk



**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
APRIL 22, 2013**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, April 22, 2013 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 9:50 p.m. Council members in attendance were: Mayor Kris Povlsen, Ald. David Jacobson, Ald. Teresinski, Ald. Kristen Lash, Ald. Brendon Gallagher, Ald. Naylor, Ald. Baker and Ald. O'Leary.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney, Eric Hicks, Fire Chief, Michelle Anderson, Human Resources Director and Diane Wright, City Clerk.

Additionally, Council Members-Elect Bob Snow, Bill Finucane and John Rey were present.

PENDING LITIGATION 5 ILCS 120/2(c)(11) (Released: July 9, 2018)

Mr. Frieders discussed the Ertl case. He stated that the City will know in thirty (30) days whether the Supreme Court will hear his case. He advised that Mr. Ertl is now filing a new grievance for back wages.

Chief Hicks left at 10:00 p.m.

PENDING LITIGATION 5 ILCS 120/2(c)(11) (Released: July 9, 2018)

Mr. Frieders provided an update on properties that have been in litigation and noted that staff is developing an updated list for Council to consider taking action on.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2); (Released: July 8, 2019)

Mr. Biernacki advised that negotiations have begun with the FOP. Mr. Espiritu added that interest based bargaining will be utilized this year which involves finding common interests and working as a team to find common solutions. Some of the issues are step increments, wellness program, increased insurance contributions and wage increases. Other anticipated issues may be cost of living increase, family catastrophic insurance plan, post employee health contributions, and shifts by seniority.

WORKERS COMPENSATION 5 ILCS 120/2(c)(12) (Released: July 9, 2018)

Ms. Anderson and Mr. Frieders provided a summary of workers compensation cases. Mr. Frieders commented that one complication is staff is having difficulty getting updates from the third party administrator.

PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(c)(1); (Released: July 8, 2019)

Ms. Anderson presented Council with an updated report since the phase out of dependent retiree insurance. She noted that this year retirees are paying 81.2% for dependent insurance.

Mr. Biernacki stated that he is recommending 2% cost of living raises for management during the

budget process this year. He noted that unions are receiving 2 ½%, 2% and 2 ½%. Council discussed the request.

Ald. Baker left at 10:40 p.m.

Mr. Biernacki stated there are items regarding the city manager process that are closed session eligible.

Mr. Espiritu left at 10:45 p.m. Ald. Baker returned.

Mr. Biernacki asked that Council give some appropriate wage adjustment as the Assistant City Manager becomes the Interim City Manager. A 10% increase would still place his salary below the Police and Fire Chiefs and the Public Works Director's salaries, he said. Also, he pointed out that his salary as City Manager is 90% of the average of those compared. Ald. Lash inquired about a shorter term contract. Council discussed term length for the City Manager position. Mr. Biernacki stated that personally he would rather have an indefinite term as Council could terminate him at any time. He added if Council hires a recruiting firm, they can advise on the best practice. He suggested that Council strongly consider an external firm as there will be internal candidates. Council discussed again a contract and an indefinite term. Mayor-elect Rey suggested that the recruitment process be discussed at the May 13th meeting.

ADJOURNMENT:

Ald. Lash moved to adjourn the closed session; seconded by Ald. Gallagher. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 11:00 p.m.

Approved: December 9, 2013
Partial Release: July 9, 2018
Full Release: July 8, 2019

DIANE WRIGHT, City Clerk



**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
MAY 13, 2013**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, May 13, 2013, in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 10:02 p.m. Council members in attendance were: Mayor John Rey, Ald. David Jacobson, Ald. Bill Finucane, Ald. Kristen Lash, Ald. Ron Naylor, Ald. Dave Baker and Ald. Bob Snow. Absent was Ald. Monica O'Leary.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney, Fire Police Chief Eric Hicks, and Liz Peerboom, City Clerk.

PENDING LITIGATION 5 ILCS 120/2(c)(11) (Released: March 22, 2021)

Mr. Frieders updated the Council on the Ertl case, stating that the case is likely to settle, with much less that was originally asked for.

PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(c)(1) (Released: July 8, 2019)

Mr. Biernacki updated the Council on the City Manager selection process. He advised that the notice of RFP went out and is due May 17, 2013, adding that the process is moving along.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2) (Released: July 8, 2019)

Mr. Espiritu updated the Council on FOP collective bargaining. He discussed COLA, step increases, and health insurance premiums. He also discussed a negotiating strategy that concerned Ald. Lash. Attorney Frieders assured her that the strategy was not an unfair labor practice. Mr. Espiritu advised that he is using "Interest-Based Bargaining," and added that they are discussing the following:

- Contract length – possibly 3 years
- Education incentives – would like to pay tuition only
- Sick Time/Pool and Vacation Scheduling – would like to rework those policies
- Shiftwork – Seniority will still prevail, and new hires will get vacation later

SALE OR LEASE OF PROPERTY 5 ILCS 120/2(c)(6) (Released: March 22, 2021)

Mr. Biernacki advised the Board that in the negotiations with DIMCO to sell the property on 7th Street to them, staff agreed to the sale with some conditions. The owner of DIMCO doesn't agree to all points, especially the condition where the front of DIMCO's new building would face 7th Street. The Council agreed that staff should continue negotiating, but not agree if they won't face the building to 7th Street.

Mr. Biernacki also advised Council that Elliott & Wood would like to exercise their right to purchase property they are currently leasing. Ald. Naylor would like to keep the property for road extension. There was some discussion about whether or not Elliott & Wood had made a timely notice to the City and whether the City will ever extend the road. Mr. Frieders will get a complete history of the lease to Council so they can make an informed decision.

ADJOURNMENT:

Ald. Lash moved to adjourn the closed session; seconded by Ald. Jacobson. Motion carried on voice vote. Mayor Rey declared the closed session adjourned at 10:46 p.m.

ELIZABETH PEERBOOM
City Clerk



Approved: December 9, 2013
Partial Release: July 8, 2019
Full Release: March 22, 2021

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
MAY 28, 2013**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, May 28, 2013 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 9:41 p.m. Council members in attendance were: Mayor John Rey, Ald. David Jacobson, Ald. Bill Finucane, Ald. Kristen Lash, Ald. Ron Naylor, Ald. Dave Baker and Ald. Bob Snow and Ald. Monica O'Leary.

Also present were: Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney, Fire Police Chief Eric Hicks, Finance Director Laura Pisarcik, and Liz Peerboom, City Clerk.

PENDING LITIGATION 5 ILCS 120/2(c)(11)

Mr. Frieders updated the Council on the Ertl case, stating that the case settled for less than \$20,000, refund of some pension cost, and waiving rights to litigate in the future. Mr. Frieders also advised that this settlement will not be brought before Council, since it is within the City Manager's spending authority.

Mr. Frieders also updated the Council on the Fitzgerald case, stating that the court had originally given Mr. Fitzgerald 90 days, with a status in 45 days. At the 45 day status date, nothing has been done to clean up the property. Mr. Frieders advised the Council that deferring the case any further may have indirect consequences on the adjoining property owner. After much discussion, the consensus was to proceed.

SALE OR LEASE OF PROPERTY 5 ILCS 120/2(c)(6) (Released: July 9, 2018)

Mr. Frieders advised Council that, after researching the land lease agreement between the City and Elliott and Wood, it appears that Elliott & Wood's notice to the City was untimely. He asked for direction from the Council on direction to proceed. Discussion was held on what the City's intentions were for this property. The consensus was to advise Elliott & Wood that the City of DeKalb is not interested in selling the property, but would entertain a lease renewal without the option to purchase.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2) (Released: July 8, 2019)

Mr. Espiritu advised the Council that the last collective bargaining session was held, but he had quite a bit of detail to discuss with Council. Therefore, he will discuss it at the next meeting. Ms. Pisarcik exited the meeting at 10:10 p.m.

PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(c)(1) (Released: July 8, 2019)

Mr. Frieders recommended that the City offer an interim agreement to Mr. Espiritu to fill in as Interim City Manager. He also discussed the following points:

- Term – Beginning June 15, 2013 until the City hires a City Manager or one year, which would end June 14, 2014.
- Return to position agreement

- Compensation

Alderman Naylor supports Mr. Frieders' recommendations. Mr. Espiritu made a few comments about the challenges of doing both positions, and then exited at 10:16 p.m.

After much discussion, the consensus was to give a compensation bump to \$128,500 annualized, after raises of July 1; return to position and no possibility of severance with no change in benefits.

ADJOURNMENT:

Ald. Lash moved to adjourn the closed session; seconded by Ald. Jacobson. Motion carried on voice vote. Mayor Rey declared the closed session adjourned at 10:33 p.m.

ELIZABETH STEERBOOM, City Clerk

The seal of the City of Decatur, State of Illinois, is circular. It features a central shield with a plow and a sheaf of wheat. The words "CITY OF DECATUR" are written in a circle around the shield, and "STATE OF ILLINOIS" is written in a larger circle below it. The date "JANUARY 1889" is also visible at the bottom of the inner circle.

Approved: December 9, 2013
Partial Release: July 9, 2018
Partial Release: July 8, 2019
Full Release: December 31, 2021

**MINUTES
COMMITTEE OF THE WHOLE MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
JUNE 10, 2013**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on Monday, June 10, 2013, in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 6:24 p.m. Council members in attendance were: Mayor John Rey, Ald. Bill Finucane, Ald. Kristen Lash, Ald. Bob Snow, Ald. Ronald Naylor, and Ald. Monica O'Leary. Absent: Ald. David Jacobson, and Ald. David Baker.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney, Gene Lowery, Police Chief, Laura Pisarcik and Liz Peerboom, City Clerk. T.J. Moore, Public Works Director arrived at 6:30 p.m.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2): *(Released: July 8, 2019)*

Mr. Espiritu stated that the FOP contract negotiations have gone very well. Finance Director Laura Pisarcik compared the FOP proposal with what the City is proposing. Council discussed the following:

- 1) Shift Differential
- 2) Step Increases
- 3) Longevity
- 4) Wellness reward
- 5) Health Insurance Premium
- 6) Insurance Contributions
- 7) Workers' Compensation Cost
- 8) Police Pension Costs

Ald. Naylor asked Chief Lowery his opinion on the proposals. Chief Lowery advised that shift differential is used in some other police departments. Ald. O'Leary said that she feels that the City will need to let officers go in order to accommodate FOP requests.

The Council discussed shift differentials and choosing of shifts. Chief Lowery and Ms. Pisarcik left at 6:42 p.m.

PURCHASE OR LEASE OF REAL PROPERTY ILCS 120/2(c)(5) *(Released: March 22, 2021)*

City Manager Mark Biernacki discussed the auction of a property at 815/817 Colby Court and asked the Council for direction. Mr. Biernacki suggested a contract with a balloon payment in a few years. Mr. Frieders advised that although municipalities have used this option it is an unlawful contract.

Ald. Naylor said that he feels that this is too good of an opportunity to pass up. Mayor Rey asked if the Park District had been approached. Mr. Biernacki advised that the Park District has no funding source for this purchase. Council discussed putting in a pre-bid.

Consensus was to try and work with the Park District, but not go over \$50,000 for the City's share.

PENDING LITIGATION 5 ILCS 120/2(c)(11) (Released: July 9, 2018)

City Attorney Dean Frieders discussed three items that are pending:

- 1) Ertl case
- 2) Fitzgerald case
- 3) New case in which a toddler died

ADJOURNMENT:

Ald. Snow moved to adjourn the closed session; seconded by Ald. Lash. Motion carried on voice vote. Mayor Rey declared the closed session adjourned at 7:02 p.m.

ELIZABETH PEERBOOM
City Clerk



Approved: December 9, 2013
Partial Release: July 9, 2018
Partial Release: July 8, 2019
Full Release: March 22, 2021

**MINUTES
SPECIAL MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
JUNE 11, 2013**

The City Council of DeKalb, Illinois, held a closed session during the Special Meeting on Tuesday, June 11, 2013 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Special Meeting of the same day.

The closed session started at 7:50 p.m. Council members in attendance were: Mayor John Rey, Ald. David Jacobson, Ald. Bill Finucane, Ald. Kristen Lash, Ald. Bob Snow, Ald. Ronald Naylor and Ald. O'Leary. Absent was Ald. David Baker.

Also present were: Mark Biernacki, City Manager, Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney, Gene Lowery, Police Chief, Eric Hicks, Fire Chief, TJ Moore, Public Works Director, Michelle Anderson, Human Resources Director, Laura Pisarcik, Finance/Purchasing Director, and Diane Wright, Deputy City Clerk

Additionally, Rob Oberwise, Larry Kujovich and Bert Nehring were present from Executive Partners and Crowe Horwath.

Mr. Frieders cautioned all to stay within the confines of those items posted for the Closed Session Agenda.

PERSONNEL 5 ILCS 120/2(c)(1):

Mr. Kujovich suggested that the City determine its requirements in certain areas that are most often outsourced (engineering, building inspections, billing, payroll and maintenance) and go to bid on these. He added that the City must decide if it wants to continue to provide those services that are "above and beyond" and if the City can afford to do so.

Ald. Lash asked if this conversation will result in layoffs; Mr. Kujovich replied that eventually that will happen. Ald. Lash stated that the City is now just now regaining trust with employees and unions, and outsourcing may impair the trust of staff, the community and the unions; we will be in arbitration with all three of them, she said. Mr. Biernacki stated that's what makes this topic closed session eligible. Council can look at this as an immediate turnaround tomorrow and outsource or do so as the opportunity arises i.e. when someone retires.

Mayor Rey suggested that core services be identified. Ald. Lash added that this does not only apply to services to the community but their accessibility to Council. She stated that her conversations with certain staff are invaluable. Mr. Frieders stated that the City has outsourced the professional aspect in Legal, but not the day-to-day operations. Mr. Kujovich stated that Council should take into account the service level. Ald. Lash stressed that the City will not recover from layoffs again... Mr. Oberwise stated there is a cost associated with everyone who provides labor to the City. Those ancillary benefits are in addition to salaries (35% of salary). If the City outsources it has an opportunity to gain back 35%. Mr. Kujovich stated that many

municipalities discuss this topic with its citizens and discuss impact and tradeoffs. Ald. Lash stated that the community may agree, but the employees and unions will not. Ald. Jacobson stated that the private industry has done it.

Ald. O'Leary asked if there are other options. Mr. Frieders cautioned all about the constraints of discussion during closed session.

Mr. Espiritu stated this is strategic decision and has a lasting effect on the organization. He stated that three years ago when the layoffs took place, management was asked who would be performing those duties. He cautioned that if this is being considered, we must insure that the job is done and that service is provided. To eliminate these positions and not have a plan in place is not what EPI is recommending, he said. Some of these positions are retiring – we can start planning and when that position comes up maybe we outsource, he added. To do it now would be challenging and set up the City for failure.

Mr. Kujovich stated that Council may want to prioritize the services and ask the community what they want. Ald. Jacobson added that employees can do this and suggested that management get their “buy in.”

Mr. Biernacki stated that when you look at this strategically, the other motivation to outsourcing is freeing up positions in public safety or other strategic positions. To bolster those ranks you will need to relieve somewhere else, he said. Ald. Naylor stated that the City is immediately spending those savings, and the bottom line services will suffer. This recommendation is attacking the “low hanging fruit” in order to maintain police and fire, he said. The level of service definitely suffers. He added that the customer service will not be there with a consultant. Ald. Jacobson stated that ADP is very proficient in payroll/

Mr. Moore asked that Council focus on the service levels they want to provide and pointed out that by the time the City pays a company to do admin services that is not project oriented, the cost may be the same. There may be less of savings than an improvement, he added. Most of our large project oversight is done outside, he said...

Ald. Finucane asked when the last survey was done regarding job audits and descriptions. This needs to be noted before we eliminate positions, he said. The City must look at level of service, he added.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2):

Mr. Oberwise stated that they recognize Council and management have worked hard to create valuable relationship with unions and they do not suggest destroying that relationship. He added that the City's contracts are very generous. He recommended some clawbacks. There is a balance between managing relationship and negotiating contract, he added. You need to be working the unions today – identify critical issues to the union that are important to you. There are going to be some tradeoffs that the City needs to make, he said. The wages are the most important part of this; he recommended that management be honest with the unions where the City is financially and with regard to health care. He suggested working inside the contract.

Mr. Espiritu stated that the arbitrator in Naperville and Aurora awarded 2 ½%, and added that is exactly why we should not be going to arbitration. We would rather work something out with the unions rather than go to arbitration with higher cost of living, he said.

Ald. Naylor stated he has a problem with the comparative communities used by EPI (Naperville and Aurora); they are very dissimilar. Mr. Oberwise replied that they are used because EPI has a relationship with them. He stated that DeKalb would need to do a comp study that gives data with college towns.

Mr. Oberwise addressed the management pay plan and stated the current approach is more regimented than what it should be. He recommended doing an exempt review by FLSA standards – make sure you have the right people identified as exempt employees, place their work week at 40 hours, create a merit pay plan and pool. He added he suspects some of the reasons the City's methodology is in place today is trust issues – there is a need on the part of Council to show good faith. He recommended that the step plan be eliminated, do performance process and goals. Levels of jobs can be evaluated and can be adjusted as responsibilities change. Most controversial piece, he said, is to eliminate comp time. Most municipalities use flex time or add additional administrative days.

Ald. Naylor asked how the comp time currently works. Mr. Oberwise stated that management accumulates comp time that can be cashed in. Mr. Espiritu added that management is allowed a one-time payout of comp time up to the maximum limit. When the employee retires, the comp time is paid out to a maximum amount. Employees can cash out up to 60 days of comp time, he said. Mr. Biernacki noted that if Council wants to consider this change he urged them to give it serious thought because employees will want to cash it out prior to its elimination.

Mr. Biernacki stated that the last time the management pay plan was looked at was in 2003-04; at least ten years ago. He encouraged Council to consider an outside party to conduct the management pay plan.

Mr. Oberwise discussed the medical cost containment review section. He noted that the costs charged to employees for health care is comparable to other municipalities. Mr. Espiritu pointed out that Mr. Burchard stated DeKalb charges more than others. Regarding the retiree health benefits, he said that EPI we made recommendation in Phase I to eliminate retiree health care; the City you has done a great job in making a dent, he said. He added that the City needs to eliminate employee retirement health care benefits as soon as possible; this may require arbitrations with the unions. This is very generous relative to the City's affordability and relative to other communities.

Mr. Biernacki stated he believes the City is locked in with individual agreements until death of the employee and doesn't believe the City can do anything else on this point. Mr. Espiritu added this had to be negotiated and involved quite a bit of work to get the unions to agree. Also, he questioned why would an employee ever give up this benefit? He added that management could address it with the unions but asked what could we offer them? The post 65 Medicare cost was the biggest cost to the City, he said. He asked if this item is pushed, is Council willing to go to arbitration again. How will we prove to the arbitrator that we haven't taken enough already, he asked?

At 8:55 p.m., Michelle Anderson, TJ Moore, Rob Oberwise, Larry Kujovich, and Bert Nehring left the meeting.

PENDING LITIGATION 5 ILCS 120/2(c)(11) (Released: July 9, 2018)

Mr. Frieders discussed the pending litigation surrounding the death of a child. He noted that the complaint is listing employees, hospital, doctors, as defendants. One of the claims is medical malpractice. It is evident it will be complicated case.

ADJOURNMENT:

Ald. Jacobson moved to adjourn the closed session; seconded by Ald. O'Leary. Motion carried on voice vote. Mayor Povlsen declared the closed session adjourned at 9:00 p.m.

Approved: December 9, 2013
Partial Release: July 9, 2018
Full Release: December 31, 2021

DIANE WRIGHT, Deputy City Clerk



**MINUTES
COMMITTEE OF THE WHOLE MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
JUNE 24, 2013**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on Monday, June 24, 2013 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 6:22 p.m. Council members in attendance were: Mayor John Rey, Ald. Bill Finucane, Ald. Kristen Lash, Ald. Bob Snow, Ald. Ronald Naylor, Ald. Monica O'Leary, Ald. David Jacobson, and Ald. David Baker.

Also present were: Rudy Espiritu, Acting Assistant City Manager; Dean Frieders, City Attorney, Gene Lowery, Police Chief, Laura Pisarcik, T.J. Moore, Public Works Director, Derek Hiland, Principal Planner and Liz Peerboom, City Clerk. T.J. Moore, Public Works Director arrived at 6:30 p.m.

PURCHASE OR LEASE OF REAL PROPERTY 5 ILCS 120/2(c)(5) (Released: July 8, 2019)

City Attorney Dean Frieders advised Council that the City has taken possession of 901 Sycamore Road which can be rebuilt as a single family. Mr. Hiland showed a picture of the property with the set-back lines. Ald. Lash advised that she has spoken to residents and they do not want anything commercial, but possibly a park. Mr. Moore advised that he has not approached the Park District about this property, and Mr. Frieders stated that the neighbors are not interested in paying fair market value.

Several council members said they concur that it should be kept residential and should be offered to the neighbors first. Ald. Jacobson suggested offering it to Habitat for Humanity.

PERSONNEL 5 ILCS 120/2(c)(1)

Mr. Frieders advised that the City of DeKalb employs a bailiff to staff the city traffic court on Mondays. This employee has recently had some health problems that have gotten in the way of him performing his job, leading to his resignation. This employee was receiving \$50 per week in compensation. Mr. Frieders explained that the judges are concerned about safety when the Police Department moves out of the building. He added that staff feels that scope of this job needs to change, and that moving traffic court to Sycamore would mean increased overtime for police officers and staff. He said that retired police officer Ray West is available for the bailiff position. This would be a hybrid community service position and would pay \$100 per week.

Ald. Baker asked if there was a need for two officers and Mr. Frieders responded that one CSO that is competent will serve the needs, but if it isn't enough, staff would come back to Council for discussion. Chief Lowery explained that there have been arrests in court, but most of those arrests were from outstanding warrants, adding that there have been many disturbances that bailiff has not been able to handle in the past. This officer will have a radio and a firearm.

Council concurred that this change was a good idea.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2):

Ms. Pisarcik distributed an updated proposal from FOP, and updated City proposal and what it would be if nothing changed. She advised that she would be sharing the numbers with FOP. Mr. Espiritu advised that the FOP feels that the City's numbers are not comparable to other municipalities, adding that, overall, negotiations are going well. Ald. O'Leary asked if the FOP understands that the City cannot afford what they are requesting.

Ald. Naylor asked about 2014 projections. Ald. Snow asked about health insurance premiums.

Chief Lowery and Ms. Pisarcik left the meeting at 6:55 p.m.

PENDING LITIGATION 5 ILCS 120/2(c)(11):

City Attorney Dean Frieders discussed three items that are pending:

- 1) Fitzgerald case – Mr. Fitzgerald's motion was denied, building has been torn down. Mr. Frieders advised that Council discussed salvage titles. Ald. Finucane asked about having an auction, but Mr. Frieders advised that an auction would be cost prohibitive. Mr. Frieders advised that there are more pending lawsuits against Mr. Fitzgerald from other municipalities.
- 2) Asthma case – no updates.
- 3) New claim from a person injured in front of the new police station – Mr. Frieders advised that this will be handled by the contractor.
- 4) New claim from a person that was running from police after allegedly shoplifting from Kohl's.
- 5) Elliott & Wood – no updates. Ald. Baker advised that he had spoken to Mr. Wood, and that they believe that the road cannot go through because of a building that was built. Ald. Naylor advised that the road can zigzag around the building. Mr. Frieders advised that if Council would like to sell the property, it would be best for both parties if it was done lawfully.

ADJOURNMENT:

Ald. Finucane moved to adjourn the closed session; seconded by Ald. Lash. Motion carried on voice vote. Mayor Rey declared the closed session adjourned at 7:10 p.m.

ELIZABETH PEERBOOM City Clerk

The seal of the City of Dekalb, State of Illinois, is circular. It features a central shield with a sun rising over a river, with a bridge crossing the river. The words "DEKALB" and "ILLINOIS" are inscribed around the perimeter of the seal.

Approved: December 9, 2013
Partial Release: July 8, 2019
Full Release: December 31, 2021

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
JULY 8, 2013**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, July 8, 2013, in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

The closed session started at 8:10 p.m. Council members in attendance were: Mayor John Rey, Ald. David Jacobson, Ald. Bill Finucane, Ald. Kristen Lash, Ald. Bob Snow, Ald. Ron Naylor, and Ald. Monica O'Leary. Absent: Ald. Baker

Also present were:, Rudy Espiritu, Acting City Manager; Dean Frieders, City Attorney; TJ Moore, Public Works Director; Gene Lowry, Police Chief; Laura Pisarcik, Finance Director and Liz Peerboom, City Clerk.

PERSONNEL 5 ILCS 120/2(c)(1): (Released: July 8, 2019)

Mr. Espiritu advised that Joel Maurer, City Engineer will be retiring at the end of November. Mr. Moore suggested that if the City is going to make a change regarding outsourcing the position, this would be the time to do so, but added that outsourcing will not be a cost savings. Mr. Espiritu added that he suggests eliminating the other engineer position. Ald. Naylor expressed his opposition. Ald. Jacobson suggested hiring a contracted employee at 40 hours per week with no benefits. Ald. Snow said that he doesn't see any cost savings in outsourcing the position. After some discussion, the Council directed Mr. Moore to draft an RFQ, with input from the Council.

Mr. Moore left the meeting at 9:22 p.m.

Mr. Espiritu thanked the Council for giving management employees the 2% raise. He also pointed out that many employees are demoralized by the conversation that took place in open session. Mr. Espiritu discussed the comp study and cautioned the Council that they may find that many positions are underpaid. Council discussed step increases and Mr. Espiritu asked the Council for input.

PENDING LITIGATION 5 ILCS 120/2(c)(11):

Mr. Frieders discussed the following:

- LeShawn Johnson case – Alleged shoplifter at Kohl's in pursuit with police officers. One of the officers deployed a Taser, and the subject fell and broke his jaw. The subject's attorney is alleging excessive force, and asking for \$20,000. Mr. Frieders explained that in the past he would have recommended that the City litigate the case, but recent case law suggests that this may not be upheld, and Mr. Frieders suggests that the odds of the City winning the case are 50/50 at best. He recommends resolving this case early. Ald. Lash asked about police officer training; Chief Lowry replied that the police officers are trained. Council discussed a range of a settlement, but Ald. Naylor said that he would like to gamble on winning. Consensus was to authorize Mr. Frieders to offer up to \$15,000.
- Ertl case – Mr. Frieders advised that the settlement has been finalized.
- Injury in front of new police station – Contractor is handling this issue through his insurance.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2):

Ms. Pisarcik gave an update on negotiations, and advised that she suspects this may go to arbitration. She explained that they will not meet again in two weeks, adding that FOP does not want to change their health insurance.

Mr. Espiritu discussed FOP's position, and said he thinks they may consider 3% with no claw back, adding that in order to get an agreement he may have to go over the amount approved. The Council discussed concessions and Chief Lowery discussed the tough job that it is to run a police department that is already understaffed. He added that he agrees there is a need for fiscal accountability, but you need to balance that with keeping officers on the street. Ald. Lash said that she feels that if it goes to arbitration the City will lose, but they have to give something. Ald. Jacobson suggested stalling as long as possible.

Council discussed percentages, and gave direction to continue negotiating in good faith, and consider a growth in COLA.

Ms. Pisarcik and Chief Lowery left the meeting at 8:57 p.m.

PURCHASE OR LEASE OF REAL PROPERTY 5 ILCS 120/2(c)(5): *(Released: July 8, 2019)*

Mr. Frieders discussed the sale of the Rauworth property and advised that buyers are concerned about the difficult access to Sycamore Road. He will have more updates at the next meeting.

Mr. Frieders gave an update on the Fitzgerald property. He advised that there are concerns about environmental issues. Consensus was to direct staff do an environmental study and add the cost of the study to the lien, then to purchase the property at auction at no added cost to the City because of the lien. He added that they are still working on selling autos.

Mr. Espiritu advised Council about a chance to get a grant to purchase the Colby Court property. The City's share would be \$25,000. Consensus was to go forward with the grant.

ADJOURNMENT:

Ald. Lash moved to adjourn the closed session; seconded by Ald. Finucane. Motion carried on voice vote. Mayor Rey declared the closed session adjourned at 10:44 p.m.

Approved: December 9, 2013
Partial Release: July 8, 2019
Full Release: December 31, 2021

ELIZABETH PEERBOOM, City Clerk



**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
JULY 22, 2013**

The City Council of DeKalb, Illinois, held a closed session during the Special Meeting on Tuesday, June 11, 2013 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Special Meeting of the same day.

The closed session started at 8:40 p.m. Council members in attendance were: Mayor John Rey, Ald. David Jacobson, Ald. Bill Finucane, Ald. Kristen Lash, Ald. Bob Snow, Ald. Ronald Naylor, Ald. O'Leary and Ald. David Baker.

Also present were: Rudy Espiritu, Acting City Manager; Dean Frieders, City Attorney; Gene Lowery, Police Chief; TJ Moore, Public Works Director; Michelle Anderson, Human Resources Director; Laura Pisarcik, Finance Director; and Liz Peerboom, City Clerk

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2):

Ms. Pisarcik distributed a new cost out sheet. Mr. Espiritu advised that he met with the FOP bargaining committee and discussed several options. Ms. Pisarcik added that nothing has changed much, but the suggestions from Ald. Snow are included in the new cost out sheet.

Mr. Espiritu advised that it is 11% without Work Comp and Pension Plan, but with everything it is 17%. He also discussed the claw back. He added that the City's health insurance at the high end of other communities. Council discussed the addition of a wellness program, some council members asked if it could be made mandatory. Chief Lowery advised that he is a proponent of the wellness program, and would like to see it be mandatory.

Mr. Espiritu advised that they would be meeting again tomorrow and asked for feedback from the Council.

At 8:57 p.m., Chief Lowry and Ms. Pisarcik left the meeting.

PENDING LITIGATION 5 ILCS 120/2(c)(11):

Mr. Frieders discussed the following pending litigation:

- Taser incident – Mr. Frieders advised that he is working on negotiations
- Bo Pallets – Mr. Frieders advised that there has been ongoing discussions over the years with the owners of this company about dust and debris impacting the Street and Water Divisions, adding that recently was a structure fire and they are continue to have issues. Ald. Baker suggested passing an ordinance prohibiting the cause of the dust and debris. Mr. Frieders advised that such an ordinance would likely put them out of business.
- Fitzgerald – Mr. Frieders updated Council on the case. Ald. Jacobson suggested having an auction and Mr. Frieders advised that he will be asking the judge if that is something the City can do.

PERSONNEL 5 ILCS 120/2(c)(1); (Released: July 8, 2019)

Mr. Frieders continued the discussion on the retirement of Joel Maurer. Mr. Espiritu went over the list of ongoing projects.

Mr. Espiritu asked the Council for feedback on eliminating the Project Implementation Engineer position if the decision is to outsource the City Engineer position. Ald. Baker suggested trying to keep the position. The decision is to either hire a new City Engineer or outsource both positions. Ald. Naylor voiced his reasons why the city should have an in-house engineer.

Mr. Moore suggested outsourcing the position for three years and revisit the decision at that time

Council directed staff to give suggestions on what to do with the Project Implementation Engineer position. Staff will work on a request for proposals to bring to the next closed session.

At 9:23 p.m., Mr. Moore and Mr. Espiritu left the meeting.

UPDATE ON CITY MANAGER SELECTION (Released: March 22, 2021)

Ms. Anderson, read an e-mail to Council from Mr. Morien, from Voorheis & Associates regarding salary range, pay class system and contract. Ms. Anderson asked for direction from the Council.

Ald. Jacobson suggested using "Depending On Experience" for the salary range.

After much discussion, the consensus was to direct staff to go with \$150,000 +/-.

At 9:46, Ms. Anderson left the meeting.

ADJOURNMENT:

Ald. Lash moved to adjourn the closed session; seconded by Ald. Finucane. Motion carried on voice vote. Mayor Rey declared the closed session adjourned at 9:47 p.m.


ELIZABETH E. PEERBOOM, City Clerk

Approved: December 9, 2013
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**MINUTES
COMMITTEE OF THE WHOLE MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
AUGUST 12, 2013**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on Monday, August 13, 2013, in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 6:56 p.m. Council members in attendance were: Mayor John Rey, Ald. Bill Finucane, Ald. Kristen Lash, Ald. Bob Snow, Ald. Ronald Naylor, Ald. Monica O'Leary, Ald. David Jacobson, and Ald. David Baker.

Also present were: Rudy Espiritu, Acting Assistant City Manager; Dean Frieders, City Attorney, and Liz Peerboom, City Clerk.

PURCHASE OR LEASE OF REAL PROPERTY 5 ILCS 120/2(c)(6) *(Released: March 22, 2021)*
City Attorney Dean Frieders advised Council that Elliott & Wood doesn't want the City to go out to bid just yet. Mr. Frieders advised that he has held off on a bid notice while Elliott & Wood contemplates what they'd like to do, but he plans to go out to bid soon. Ald. Naylor suggested that the City advertise the sale with parameters. Consensus was to re-advertise if Elliott & Wood is agreeable to going to bid.

PENDING LITIGATION 5 ILCS 120/2(c)(11):

City Attorney Dean Frieders discussed several items that are pending:

- 1) Ertl case – Mr. Frieders advised that the case is settled. But, Mr. Espiritu advised that he received a message that Mr. Ertl is taking the case to the Supreme Court; despite an agreement not to further litigate.
- 2) Tolbert case – Mr. Frieders updated Council on the infant asthma death case.
- 3) IHOP arrest case – Mr. Frieders advised Council that an individual was arrested at IHOP and sustained no injury, but is suing on an alleged civil rights violation.
- 4) Taser case – Mr. Frieders advised that this case has settled.

ADJOURNMENT:

Ald. Lash moved to adjourn the closed session; seconded by Ald. Jacobson. Motion carried on voice vote. Mayor Rey declared the closed session adjourned at 7:05 p.m.

Approved: December 9, 2013
Partial Release: March 22, 2021
Full Release: December 31, 2021

ELIZABETH PEERBOOM, City Clerk



**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
AUGUST 12, 2013**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, August 12, 2013, in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

Closed session began at 9:21 p.m. City Clerk Liz Peerboom called the roll and the following Council members were present: Mayor John Rey, Ald. Bill Finucane, Ald. Kristen Lash, Ald. Bob Snow, Ald. Ron Naylor, Ald. Dave Baker, and Ald. Monica O'Leary. Absent: Ald. Dave Jacobson (arrived at 9:30).

Also present were: TJ Moore, Public Works Director; Rudy Espiritu, Interim City Manager; Dean Frieders, City Attorney; and Liz Peerboom, City Clerk.

PERSONNEL 5 ILCS 120/2(c)(1)

Public Works Director TJ Moore discussed the retirement of Joel Maurer, City Engineer at the end of November. He presented a pros and cons list to the Council for keeping the position in house or outsourcing the position.

Mr. Espiritu advised that staff has been unsuccessful in finding a position for Mike Bauling. Mr. Moore advised that the City does not lose under any scenario, but a decision needs to be made before Mr. Maurer retires. Ald. Naylor discussed his opposition to outsourcing the position.

Ald. Jacobson arrived at 9:30 p.m.

Council discussed outsourcing the position and keeping the position in-house, with many Council members giving their opinions. Ald. Baker suggested allowing Mr. Maurer to retire and then let Mr. Bauling take the position and terminate him if he doesn't work out. Mr. Moore encouraged Council to make a decision that would not fail publicly. Council then discussed salary figures. Ald. Baker asked if this was a move to eliminate Mr. Bauling, and Mr. Moore responded, "NO, categorically no." Council discussed what qualifications and experience would be required for this position.

Mr. Moore left the meeting at 10:14 p.m. Chief Lowery arrived at 10:15 p.m.

Attorney Dean Frieders updated Council about a personnel issue in the Crime Free Housing Bureau. He advised that the employee used her position to bypass a realtor and get rental housing for favors. He added that the employee is on administrative leave and will be terminated. Police Chief Lowery discussed the investigation and due process. He suggested that the position be open to internal candidates; if it is filled with an internal candidate, he'd like to be sure he can fill the position. Ald. Baker asked about employees that were laid off, and if they would have any seniority. Chief Lowery advised that they had a one year call back and that was two years ago.

Chief Lowery left the meeting at 10:24 p.m.

Mr. Espiritu advised that the Finance Division has been authorized to hire four part-time cashiers. He

added that one didn't make probation and one went to Human Resources to fill an open position. He asked about hiring temps. Ald. Jacobson asked what their role would be. Mayor Rey asked about the software upgrade. Ald. Jacobson asked if going to online billing would make temps more desirable.

PENDING LITIGATION ILCS 120/2(c)(11)

Attorney Frieders discussed the following:

- Insured Firefighter – injured lifting a cot. Demanding \$104,000, consensus was to allow Attorney Frieders to negotiate with the firefighter – trying to settle for \$80,000 with authorization up to \$90,000.
- Health Insurance – Chapter 3 – Mr. Frieders advised that some employees don't need to be on health insurance. Ald. Lash said that they should prove they have insurance. Consensus was to manage this on a case by case basis.

Mr. Espiritu left the meeting at 10:34 p.m.

PERSONNEL 5 ILCS 120/(1)

Attorney Frieders updated Council on the City Manager Search, discussing the timeline. Mayor Rey, Alderman Finucane and Human Resources Director Michelle Anderson to narrow down the number of candidates, then interview the week of October 21.

Ald. Jacobson made a motion to return to open session, seconded by Ald. O'Leary. Motion carried by voice vote.

Returned to open session at 10:43 p.m.



Approved: December 9, 2013
Full Release: December 31, 2021

**MINUTES
REGULAR MEETING
REGULAR SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
AUGUST 26, 2013**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on August 26, 2013, in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular Meeting of the same day.

City Clerk Peerboom called the roll, and the following Council Members were present: Mayor John Rey, Ald. Bill Finucane, Ald. Bob Snow, Ald. Ron Naylor, Ald. Dave Baker, and Ald. Monica O'Leary. Absent: Ald. Dave Jacobson and Ald. Kristen Lash.

Also present were: Rudy Espiritu, Interim City Manager; Dean Frieders, City Attorney; Eric Hicks, Fire Chief; Gene Lowery, Police Chief; Laura Pisarcik, Finance Director and Liz Peerboom, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2) *(Released: July 8, 2019)*

Finance Director Laura Pisarcik updated the Council on FOP negotiations. Mr. Espiritu advised that they met on August 13, 2013, and FOP countered the City's offer. Ms. Pisarcik discussed possible offers. Council discussed steps and Ms. Pisarcik advised that this would change from 5 steps to 8 steps for new hires. Ald. Snow suggested allowing the wellness program to be voluntary the first year and mandatory beginning with the second year.

SECURITY PROCEDURES ILCS 120/2(c)(8) *(Released: March 22, 2021)*

Mr. Frieders advised Council of a problem at the Super 8 Motel. He stated that the condition of one of the rooms was a public safety threat. He also advised that hotels throughout the state are required to be inspected, but they are not in DeKalb. Any inspection programs that were in progress in the past have gone unfunded. Mr. Frieders asked the Council to discuss the possibility of implementing such a program in the City of DeKalb. Council supports inspections and Ald. Baker suggested required weekly and/or mid-weekly cleaning. Council discussed how such a program would be implemented.

Mr. Espiritu said he was concerned about the upcoming IHSA Finals and suggested engaging in a conversation with the IHSA, Destination DeKalb, and other stakeholders.

Consensus was to place this item on a Committee of the Whole agenda for discussion.

Mr. Frieders will begin putting together the ordinance.

PENDING OR THREATENED LITIGATION 5 ILCS 120/(11) *(Released: July 9, 2018)*

Mr. Frieders discussed the following:

- Ertl case
- Andres case – settled
- Fitzgerald case – waiting for titles to come back

Ald. Finucane made a motion to return to open session, seconded by Ald. Snow. Motion carried by voice

vote.

Returned to open session at 9:26 p.m.

ELIZABETH PEERBOOM
City Clerk



Approved: December 9, 2013
Partial Release: July 9, 2018
Partial Release: July 8, 2019
Full Release: March 22, 2021

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
SEPTEMBER 9, 2013**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on September 9, 2013, in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 8:11 p.m. Council members in attendance were Mayor John Rey, Alderman Bill Finucane, Alderman Kristin Lash, Alderman Bob Snow, Alderman Ron Naylor, Alderman Dave Baker, Alderman Monica O'Leary and Alderman David Jacobson.

Also present were Michelle Anderson, Human Resources Director; Gene Lowery, Police Chief; Rudy Espiritu, Acting City Manager; Dean Frieders, City Attorney; and Liz Peerboom, City Clerk.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2) (Released: July 8, 2019)

Mr. Espiritu gave a quick update on collective bargaining, giving a review of the catastrophic plan design.

PERSONNEL 5 ILCS 120/2(c)(1) (Released: July 8, 2019)

Chief Lowery discussed a reorganization plan for the police department. He explained that they will not be adding new officers, but would take one position out of the union and make it a management position. The Chief explained that calls for service are increasing and this necessitates the change. He added that in 2012, there were 863 calls per officer, which was double that of the police department in the City of Joliet. Chief Lowery requested giving a slight pay increase to an officer that will be getting more responsibility.

Consensus was to allow the reorganization and the slight pay increase.

Chief Lowery left the meeting at 8:41 p.m.

PURCHASE OR LEASE OF REAL PROPERTY 5 ILCS 120/2(c)(6) (Released: July 9, 2018)

City Attorney Dean Frieders gave the Council some options for the sale of the Elliott & Wood property. He also recommended not ignoring the Elliott & Wood deadline. Alderman Finucane asked about an e-mail from Norma Guess, but Mr. Frieders explained why the deadline should stand.

Alderman Baker asked if the City has to take the highest bid. Attorney Frieders explained that you do not have to take the highest bid, but you cannot discriminate.

Consensus was to proceed with the notice to sell.

PENDING LITIGATION 5 ILCS 120/2(c)(11) (Released: July 9, 2018)

Attorney Frieders updated the Council on the following:

- Tollert case was dismissed – has a year to re-file.
- Wurlitzer Building – owners lost control of the building to the bank. Can't get a court order to demolish, but could get one to allow the City to demolish. Could start citing for violations.

Could be anywhere between \$350,000 and \$1 million to demolish.

PERSONNEL 5 ILCS 120/2(c)(1) (Released: July 8, 2019)

Acting City Manager Espiritu left the meeting at 9:00 p.m.

Human Resources Director Michelle Anderson updated the Council on the City Manager search. She went over the tentative schedule, and explained that there were 31 resumes received as of Tuesday, September 3, 2013.

ADJOURNMENT:

Alderman Jacobson made a motion to return to open session, seconded by Alderman Lash. Motion carried by voice vote.

Council returned to open session at 9:12 p.m.

Approved: December 9, 2013
Partial Release: July 9, 2018
Full Release: July 8, 2019

ELIZABETH VEERBOOM, City Clerk



**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
SEPTEMBER 23, 2013**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, September 23, 2013, in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

Closed Session began at 7:54 p.m. City Clerk Peerboom called the roll and the following Council Members were present: Mayor John Rey, Ald. Bill Finucane, Ald. Bob Snow, Ald. Ron Naylor, Ald. Dave Baker, and Ald. Monica O'Leary. Absent: Ald. Dave Jacobson (arrived at 7:57 p.m.) and Ald. Kristen Lash.

Also present were: Rudy Espiritu, Interim City Manager; Dean Frieders, City Attorney; Gene Lowery, Police Chief; Laura Pisarcik, Finance Director; and Liz Peerboom, City Clerk.

PERSONNEL 5 ILCS 120/2(c)(1) (Released: July 8, 2019)

City Manager Search – Interim City Manager Rudy Espiritu left the meeting at 7:56 p.m.

Attorney Frieders updated the Council on the search for a new City Manager. He advised that there were 58 applicants and on October 16th the consultant will bring forward a report which will contain 15-16 applicants and the Council will choose 5-6 to interview, 2-3 of those will be asked back.

Ald. Jacobson arrived at 7:57 p.m.

Attorney Frieders updated the Council on dates for interviews.

Mr. Espiritu returned to the meeting at 8:00 p.m.

COLLECTIVE BARGAINING ILCS 120/2(c)(2) (Released: July 8, 2019)

Mr. Espiritu updated the Council on negotiations with the FOP. He advised that overall they were close to an agreement. Finance Director Laura Pisarcik distributed comparisons and the Council discussed them. Consensus was that the City should not go to arbitration.

PENDING OR LITIGATION 5 ILCS 120/(11) (Released: July 9, 2018)

Mr. Frieders updated Council on the IHOP case and the Wurlitzer building.

ADJOURNMENT

Ald. Finucane moved to return to open session, seconded by Ald. Naylor. Motion carried by voice vote.

Returned to open session at 8:22 p.m.

Approved: December 9, 2013
Partial Release: July 9, 2018
Full Release: July 8, 2019

ELIZABETH PEERBOOM City Clerk



**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
OCTOBER 14, 2013**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on October 14, 2013, in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 7:15 p.m. Council members in attendance were Mayor John Rey, Alderman Bill Finucane, Alderman Bob Snow, Alderman Ron Naylor, Alderman Dave Baker, and Alderman Monica O'Leary. Absent: Alderman Kristen Lash and Alderman David Jacobson.

Also present were Laura Pisarcik, Finance Director; Eric Hicks, Fire Chief; Rudy Espiritu, Acting City Manager; Dean Frieders, City Attorney; and Liz Peerboom, City Clerk.

PENDING LITIGATION 5 ILCS 120/2(c)(11) *(Released: March 22, 2021)*

City Attorney Dean Frieders showed pictures of a hotel that was recently inspected as part of the Hotel Inspections. Chief Gene Lowery arrived at 7:25 p.m.

Attorney Frieders advised that this hotel has 20 rooms. He added that the issues that were found during the inspections will be quite costly and the owners may not have resources to address the issues. Several Alderman discussed the issues and the inability of the owners to pay for the items on the list that need to be addressed, such as new wiring, new beds, dumpster service.

Consensus was to give the owners a short time to complete the changes, it was also agreed that the owners and their family could stay in the hotel during the time it would take to complete the list of changes. If the owners do not complete the changes within the time frame referenced, the hotel would be closed and the owners would be required to cover the sign during the renovation. Mr. Frieders advised that this issue may end up in court. He added that the other hotel owners are being cooperative.

PERSONNEL 5 ILCS 120/2(c)(1) *(Released: July 8, 2019)*

Council discussed replacing a retiring firefighter. Consensus was to replace the retiring firefighter. Chief Hicks left at 8:03 p.m.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2)

Finance Director Laura Pisarcik distributed the updated cost analysis and went over the figures.

Acting City Manager Rudy Espiritu gave an update on the negotiations with FOP. Mr. Espiritu recommended approving 2.5%. Some of the Alderman had questions and the consensus was to bring the contract to the next meeting.

Ms. Pisarcik and Chief Lowery left the meeting at 8:22 p.m.

SALE OR LEASE OF REAL PROPERTY 5 ILCS 120/2(c)(6) (Released: March 22, 2021)

Attorney Frieders updated the Council on the following:

- Rauworth property – Asked for direction from the Council as to what to do with the lot. Council discussed several options and the consensus was to offer to neighbors, then if they don't want it put it up for sale or auction.
- Property at 2nd & Oak Streets – Attorney Frieders advised that this property will be sold at Auction on October 19, 2013, adding that the library would use the house for staff during construction, then demolish the house and make a parking lot. He said that the library is authorized to pay 50% of the cost, or up to \$50,000, but the property is worth \$120,000 to \$180,000. After a short discussion, the consensus was to not go forward with this purchase.
- Diamond Tour Golf building – Building will be sold in the near future. After a short discussion, the consensus was to not go forward with this purchase.

PERSONNEL 5 ILCS 120/2(c)(1)

Acting City Manager asked to hire 2 part-time employees. After a short discussion, consensus was to go forward with hiring 2 part-time employees.

PENDING LITIGATION 5 ILCS 120/2(c)(11)

Attorney Frieders updated Council on the following items: Fitzgerald, Wurlitzer building and Miskin properties.

ADJOURNMENT:

Alderman Baker moved to return to open session, seconded by Alderman Finucane. Motion carried by voice vote.

Council returned to open session at 8:40 p.m.



ELIZABETH PEERBOOM, City Clerk

Approved: December 9, 2013
Partial Release: July 8, 2019
Partial Release: March 22, 2021
Full Release: December 31, 2021

**MINUTES
SPECIAL MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
OCTOBER 16, 2013**

The City Council of DeKalb, Illinois, held a closed session during the Special Meeting on Wednesday, October 16, 2013, in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Special Meeting of the same day.

The closed session began at 9:31 a.m. Council members in attendance were: Mayor John Rey, Ald. Bill Finucane, Ald. Ronald Naylor, Ald. David Baker and Ald. O'Leary. Absent were Ald. David Jacobson, Ald. Kristen Lash and Ald. Bob Snow.

Also present were: Mark Morien of Voorhees Associates, Michelle Anderson, Human Resources Director and Diane Wright, Deputy City Clerk.

PERSONNEL 5 ILCS 120/2(c)(1):

Mr. Morien advised that of the applications received for the City Manager position, he reduced the group to the candidates presented today. He stated that the goal today is to narrow the list to five or six to be interviewed by Council and panels on November 1st. He reminded Council to keep the candidates confidential. He noted that one-third of the applicants that applied did not meet the qualifications. Also, he said, Voorhees sent out more advertising than any other search they have done. Ald. Naylor inquired if the salary had any impact; Mr. Morien replied he did not eliminate anyone with salary demands; however, there may have been other issues that would prevent some from applying.

Mr. Morien and Council discussed the candidates: Roger Fraser, Anne Marie Gaura, Tim Hacker, Konrad Hildebrandt, Ray Keller, Sue McLaughlin, James Palenick, Gerald Smith, Randy Wetmore, and Rudy Espiritu. Mr. Morien provided their background and feedback from their references.

After discussion, it was the consensus to interview Fraser, Gaura, Espiritu, McLaughlin and Smith with Keller and Hacker as alternates.

Mr. Morien stated he would advise the candidates.

ADJOURNMENT:

Ald. Lash moved to adjourn the closed session; seconded by Ald. O'Leary. Motion carried on voice vote. Mayor Rey declared the closed session adjourned at 12:25 p.m.

DIANE WRIGHT
Deputy City Clerk



Approved: December 9, 2013
Released: March 22, 2021

**MINUTES
COMMITTEE OF THE WHOLE MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
OCTOBER 28, 2013**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on Monday, October 28, 2013, in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 5:05 p.m. Council members in attendance were: Mayor John Rey, Alderman Bill Finucane, Alderman Kristen Lash, Alderman Ron Naylor, and Alderman Monica O'Leary. Absent: Alderman Dave Jacobson, Alderman Bob Snow and Alderman Dave Baker.

Also present were: Rudy Espiritu, Interim City Manager, Dean Frieders, City Attorney; Michelle Anderson, Human Resources Director; Gene Lowery, Police Chief and Diane Wright, Deputy City Clerk.

SECURITY PROCEDURES AND THE USE OF PERSONNEL L 5 ILCS 120/2(c)(8)

Chief Lowery presented a recap of the activities during NIU Homecoming. He noted that despite the increase in activity (11%), things were manageable. He stated that there were two significant events: a firearm was recovered, and a weapon was discharged. He noted that much pre-planning took place with many of the law enforcement agencies. Parking was banned from 2:00 am to 6:00 am in certain areas west of Annie Glidden which helped, he said. The retrofitted "paddy wagon" was used and made a significant presence during the weekend. There were 98 arrests made over a three-day period and the busiest area was the northwest corner of the City, he said. A total of 46 vehicles were towed.

Mr. Espiritu stated that the administrative tow policy has been working very well. He pointed out that more guns are entering the community.

Mr. Frieders advised Council that a meth lab was discovered at the Travel Inn and the rooms have now been temporarily condemned. The hotel cooperated fully, he added. Mr. Espiritu stated that the hotel inspection program is working out for the City.

Mr. Frieders advised that the DeKalb Motel has entered into a compliance agreement and has given permission to inspect all their rooms. They have committed to replace all mattresses and do floor to ceiling renovation. An electrical inspector was brought in, and they have committed to do everything they can to bring the motel into compliance with code regulations. The timeframe for completion is 60-90 days.

Mr. Frieders stated that the inspectors are concerned about the structure of the building of the Travel Inn and the balcony. They have been told to bring in a structural contractor.

Mr. Frieders advised that the City will be in court on Tuesday for four properties in the 3rd Ward and are seeking search warrants. These properties are in severe disrepair and are in danger of collapsing, he said.

Chief Lowery and Mr. Espiritu left the meeting at 5:38 p.m.

PERSONNEL 5 ILCS 120/2(c)(1)

Ms. Anderson advised Council that the City Manager interview will commence on Friday at 8:30 a.m. Another panel has been added which includes union representatives and staff, she said. She advised Council that candidate Gerald Smith withdrew his name and first alternate Ray Keller will now be on the list of interviewees. Questions have been selected for the candidates, she said.

Mayor Rey noted that the press has contacted him for the names of the candidates, and he will do a press release on Wednesday. Discussion followed on the procedures for the interviews.

Ald. Jacobson left the meeting at 5:46 p.m.

Discussion continued on the procedures for the interviews. Ms. Anderson updated Council on the interview schedule.

Ald. Jacobson returned to the meeting at 5:55 p.m. Ms. Anderson left the meeting and Mr. Espiritu and Mr. Derek Hiland entered the meeting.

PENDING LITIGATION 5 ILCS 120/2(c)(11):

Mr. Frieders advised Council there have been a significant number of cases for administrative hearings. He added there are hundreds with judgments that have not been collected. He asked Council for direction to allow staff to explore hiring an attorney in DeKalb on a contingency basis to collect on these judgments. The City can go back seven years, he added and enforce these judgments. Council consensus was to proceed with staff's recommendation.

Mr. Espiritu next discussed the proposed 4th Street TIF district. He stated that the School District has approved it but is not in favor of improvements. One compromise they agreed to was to do Protanos. He stated that in order for the City to be eligible for federal and state grants, they City must be owners of that property. The agreement with the School District will not occur if we are not the owners. He added staff is attempting to find a way to acquire Protanos at little or no cost and then get grants, clean up the property and close the TIF. Staff will be working with the School District to do an intergovernmental agreement and will ask Council to postpone action on this item tonight. The School District is in favor, he said. Council asked questions and discussed the issue.

ADJOURNMENT:

Ald. Lash made a motion to go back to open session, seconded by Ald. O'Leary. Motion carried by voice vote.

Returned to open session at 6:04 p.m.

DIANE WRIGHT
Deputy City Clerk



Approved: December 9, 2013
Released: March 22, 2021

**MINUTES
SPECIAL MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
NOVEMBER 1, 2013**

The City Council of DeKalb, Illinois, held a closed session during Special Meeting on Friday, November 1, 2013, in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Special Meeting of the same day.

The closed session started at 8:56 a.m. Council members in attendance were: Mayor John Rey, Ald. David Jacobson, Ald. Bill Finucane, Ald. Kristen Lash, Ald. Ron Naylor Ald. David Baker and Ald. Monica O'Leary.

Also present was: Mark Morien of Voorhees and Associates.

PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(c)(1) AND THE SELECTION OF A PERSON TO FILL A PUBLIC OFFICE AS PROVIDED FOR IN 5 ILCS 120/2(c)(3).

Council interviewed candidates: Rudy Espiritu, Anne Marie Gaura, Ray Keller, Roger Fraser, and Sue McLaughlin for the position of City Manager.

Michelle Anderson, Joel Maurer, Chief Gene Lowery, Bill Nicklas of NIU entered the meeting at separate times and gave individual reports from their interview panels on the candidates. After the reports, they left the meeting with the exception of Michelle Anderson.

After discussion, Council agreed to offer second interviews to Gaura, Fraser and Espiritu.

MOTION

Ald. Jacobson moved to suspend closed session; seconded by Ald. O'Leary. Motion carried on voice vote. Mayor Rey declared the meeting suspended at 3:54 p.m.

After the Agenda was amended in the Special Meeting, Council reconvened closed session at 3:56 p.m.

SECURITY AND THE USE OF PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(c)(8) AND PENDING LITIGATION AS PROVIDED FOR IN 5 ILCS 120/2(c)(11).

Chief Lowery, Dean Frieders and Rudy Espiritu joined closed session.

Chief Lowery provided information to Council on the shooting at Travel Inn. Additionally, Mr. Frieders updated Council on the Wurlitzer building and injury to a police officer. After discussion, Council consensus was to move forward with a court order to demolish the Wurlitzer building.

ADJOURNMENT:

Ald. Jacobson moved to adjourn the closed session; seconded by Ald. O'Leary Motion carried on voice vote. Mayor Rey declared the closed session adjourned at 4:09 p.m.

MICHELLE ANDERSON
Human Resource Director



Approved: December 9, 2013
Released: March 22, 2021

**MINUTES
SPECIAL MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
NOVEMBER 9, 2013**

The City Council of DeKalb, Illinois, held a closed session during Special Meeting on Saturday, November 9, 2013, in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Special Meeting of the same day.

The closed session started at 8:56 a.m. Council members in attendance were: Ald. David Jacobson, Ald. Bill Finucane, Ald. Kristen Lash, Ald. Ron Naylor Ald. David Baker and Ald. Monica O'Leary.

Also present were: Dean Frieders, City Attorney, Michelle Anderson, Human Resources Director and Mark Morien of Voorhees and Associates.

PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(c)(1) AND THE SELECTION OF A PERSON TO FILL A PUBLIC OFFICE AS PROVIDED FOR IN 5 ILCS 120/2(c)(3).

Council interviewed candidates: Rudy Espiritu, Anne Marie Gaura and Roger Frasier for the position of City Manager.

At 1:20 p.m., Mayor John Rey and Chief Gene Lowery joined the meeting.

After discussion, Council agreed to offer the position of City Manager to Anne Marie Gaura. The terms of the contract were discussed.

ADJOURNMENT:

Ald. Jacobson moved to adjourn the closed session; seconded by Ald. O'Leary Motion carried on voice vote. Mayor Rey declared the closed session adjourned at 3:02 p.m.

MICHELLE ANDERSON
Human Resource Director



Approved: December 9, 2013
Partial Release: July 8, 2019
Full Release: March 22, 2021

**MINUTES
COMMITTEE OF THE WHOLE MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
NOVEMBER 12, 2013**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on Tuesday, November 12, 2013, in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 5:09 p.m. Council members in attendance were: Mayor John Rey, Alderman Dave Jacobson, Alderman Bill Finucane, Alderman Ron Naylor, and Alderman Monica O'Leary. Absent: Alderman Dave Baker.

Also present were: Dean Frieders, City Attorney; Michelle Anderson, Human Resources Director; and Liz Peerboom, City Clerk.

PERSONNEL 5 ILCS 120/2(c)(1) *(Released: July 8, 2019)*

City Attorney Dean Frieders updated the council on negotiations with Anne Marie Gaura for the position of City Manager. He advised that he made an offer to her and she countered.

The Council discussed what they would like to authorize Mr. Frieders to counter.

Council came to a consensus and Mr. Frieders felt that it would satisfy Ms. Gaura and that she would possibly accept.

Mr. Frieders will have the item on an agenda that is convenient for Ms. Gaura to attend. He suggested that the Council's vote be unanimous and that if there are any concerns they should be brought up now. If she accepts the offer and is approved by Council, her start date would be January 2, 2014.

Consensus was to authorize Mr. Frieders to move forward.

PURCHASE OR LEASE OF REAL PROPERTY 5 ILCS 120/2(c)(5) *(Released: March 22, 2021)*

Public Works Director TJ Moore and Principal Planner Derek Hiland arrived at 5:38 p.m.

Human Resources Director Michelle Anderson updated the council on interviews that were held for Joel Maurer's position.

Mr. Moore advised that five candidates were interviewed and it was narrowed to one candidate. Ald. Lash and Ald. Jacobson were concerned that they didn't know that staff was moving forward with interviews.

After a brief discussion, it was decided that those Council members were not in attendance when staff was given the authorization to move forward with interviews.

Consensus was for staff to proceed.

Ms. Anderson left the meeting at 5:41 p.m.

PENDING LITIGATION 5 ILCS 120/2(c)(11): *(Released: March 22, 2021)*

- Mr. Hiland updated the Council on the Protano property. He will have more information at the November 25th meeting.
- Miscan properties – executed three administrative search warrants on her properties and found two of the buildings in poor condition and should be demolished. One property was in worse shape than the property on Sycamore Road that was subject to a hoarder.
- Wurlitzer property – Issued 15-day order to demolish.
- Officer Busby – he is recovered and back on the job.
- IHOP case – may not be resolved outside of court. Plaintiff is asking for \$65,000.

ADJOURNMENT:

Ald. Jacobson made a motion to go back to open session, seconded by Ald. Lash. Motion carried by voice vote.

Returned to open session at 6:01 p.m.

ELIZABETH PEERBOOM
City Clerk



Approved: December 9, 2013
Partial Release: July 8, 2019
Full Release: March 22, 2021

**MINUTES
COMMITTEE OF THE WHOLE MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
NOVEMBER 25, 2013**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on November 25, 2013, in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 5:07 p.m. City Clerk Liz Peerboom called the roll call and Council members in attendance were: Mayor John Rey, Alderman David Jacobson, Alderman Bill Finucane, Alderman Kristin Lash, Alderman Bob Snow, Alderman Ron Naylor, Alderman Dave Baker, and Alderman Monica O'Leary.

Also present were: City Attorney Dean Frieders, Human Resources Director Michelle Anderson, Principal Planner Derek Hiland, Acting City Manager Rudy Espiritu, Fire Chief Eric Hicks, Police Chief Gene Lowry, Executive Assistant Diane Wright, and City Clerk Liz Peerboom.

Mr. Espiritu went over the agenda and advised that Security Procedures and Pending Litigation would be discussed simultaneously.

SECURITY PROCEDURES AND THE USE OF PERSONNEL 5 ILCS 120/2(c)(8) and PENDING LITIGATION 5 ILCS 120/2(c)(11) (Released: March 22, 2021)

City Attorney Dean Frieders updated the Council on the following:

- Wurlitzer Building
- Fitzgerald – 50 notices to salvage yards to announce an auction of vehicles.
- Miskin – Proceed with petitions for demolition. May also go forward with naming a court appointed representative, due to possible mental illness.
- Travel Inn – need dramatic changes, possible structural issues. Council discussed different issues with the building. Consensus was to make the owner allow the city access to closed rooms.
- DeKalb Motel – has been incredibly responsive. But there are still issues.

PURCHASE OF REAL PROPERTY 5 ILCS 120/2(c)(5) (Released: July 9, 2018)

Principal Planner Derek Hiland updated the Council on the Protano property. The results of a title search showed that Chester and Guido Protano are the owners (Guido is deceased). Doug Johnson and the County have legal interest in the property. He also advised that staff will try to expedite this process by having a meeting with Christine Johnson.

After a short discussion, it was the consensus to allow Mr. Hiland to pursue further research and possible purchase of the property.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2) (Released: July 8, 2019)

Mr. Espiritu updated the Council on FOP negotiations. He advised that negotiations have been going quite well and he and Mr. Frieders are working on contract language. He should have a draft contract for Council's review by the end of next week.

He also advised that they are beginning negotiations with AFSCME.

PERSONNEL 5 ILCS 120/2(c)(1) *(Released: July 8, 2019)*

Mr. Espiritu advised the Council that Ruth Maloy did not pass her probation and her last day was November 19, 2013. He added that, although there is a hiring freeze, he is requesting to be able to fill the position right away.

Executive Assistant Diane Wright advised the Deputy Clerk Tammey Higgins has stepped up and will be working full-time until a replacement can be found. Mayor Rey added that Ms. Higgins is not interested in going full-time.

Mr. Espiritu added that staff would like to streamline licenses into the Clerk's office. Ald. Lash asked why Ms. Maloy did not make probation. Ms. Wright advised that she was hired because she said that she was good at doing minutes, but she was not. Mr. Espiritu added that she was given several chances but did not make any progress.

Rudy Espiritu, Diane Wright, Derek Hiland, Chief Lowry, and Chief Hicks left the meeting at 5:43 p.m.

Mr. Frieders advised the Council that he has been negotiating with the City Manager candidate and there are a number of issues with the contract. He added that it may not be until the beginning of February for a start date.

Mayor Rey advised that he feels that she is still interested. Many Council members were concerned that this has been taking too long and after much discussion, Mr. Frieders advised that he is confident that there will be an agreement by the end of next week.

ADJOURNMENT:

Ald. Lash made a motion to return to open session, seconded by Ald. Finucane. Motion carried by voice vote.

Returned to open session at 6:04 p.m.

ELIZABETH PEERBOOM
City Clerk



Approved: December 9, 2013
Partial Release: July 9, 2018
Partial Release: July 8, 2019
Full Release: March 22, 2021

**MINUTES
COMMITTEE OF THE WHOLE MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
DECEMBER 9, 2013**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on December 9, 2013, in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 5:48 p.m. City Clerk Liz Peerboom called the roll call and Council members in attendance were: Mayor John Rey, Alderman David Jacobson, Alderman Bill Finucane, Alderman Kristin Lash, Alderman Bob Snow, Alderman Ron Naylor, Alderman Dave Baker, and Alderman Monica O'Leary.

Also present were: Interim City Manager Rudy Espiritu, City Attorney Dean Frieders, Human Resources Director Michelle Anderson, Fire Chief Eric Hicks, and City Clerk Liz Peerboom.

PERSONNEL 5 ILCS 120/2(c)(1) (Released: July 8, 2019)

Mayor Rey advised Council that staff had reached an agreement with Anne Marie Gaura and asked if Council had any remaining concerns.

Council discussed the hire, and came to a consensus that it was a good contract and small changes could be made before the contract was signed.

PENDING LITIGATION 5 ILCS 120/2(c)(11) (Released: July 9, 2018)

Dean Frieders advised that there were no major developments

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2) (Released: July 8, 2019)

Interim City Manager Rudy Espiritu advised Council that staff is finalizing the contract with FOP, and has begun interest-based negotiations with AFSCME.

PURCHASE OF REAL PROPERTY 5 ILCS 120/2(c)(5) (Released: July 8, 2019)

Mr. Frieders advised Council on the following:

- Protano's property – moving forward with acquiring the property.
- Rauworth property – no interest in the property from neighbors. Consensus was to move forward with the sale of the property at auction.

ADJOURNMENT:

Ald. Lash moved to adjourn closed session, seconded by Ald. Jacobson. Motion carried by voice vote.

Returned to open session at 6:09 p.m.

Approved: December 9, 2013
Partial Release: July 9, 2018
Full Release: July 8, 2019

ELIZABETH PEERBOOM, City Clerk





EXECUTIVE-CLOSED SESSION MINUTES INDEX

2014		Recommendation for Release	
		Yes	No
January 13, 2014 (COW) Approved: June 23, 2014	Personnel	X	
February 10, 2014 (Regular) Approved: June 23, 2014	Collective Bargaining	X	
	Personnel	X	
	Purchase of Real Property	Released: March 22, 2021	
February 24, 2014 (COW) Approved: June 23, 2014	Personnel	X	
February 24, 2014 (Regular) Approved: June 23, 2014	Collective Bargaining	X	
	Pending or Imminent Litigation	X	
March 10, 2014 (COW) Approved: June 23, 2014	Personnel	Released: March 22, 2021	
	Purchase of Real Property		
	Security and Use of Personnel		
March 24, 2014 (COW) Approved: June 23, 2014	Pending Litigation	Released: July 8, 2019	
	Security Procedures and Use of Personnel		
April 14, 2014 (COW) Approved: June 23, 2014 Audio Destroyed: March 15, 2019	Pending or Imminent Litigation	Released: July 9, 2018	
April 14, 2014 (Regular) Approved: June 23, 2014	Personnel	Released: July 8, 2019	
	Security Procedures and Use of Personnel	Released: March 22, 2021	
April 28, 2014 (Regular) Approved: June 23, 2014	Pending or Imminent Litigation	Released: July 9, 2018	
	Personnel	X	
May 12, 2014 (Regular) Approved: June 23, 2014	Collective Bargaining	Released: July 8, 2019	
	Pending or Imminent Litigation	Released: March 22, 2021	
	Personnel	X	
May 27, 2014 (Regular) Approved: June 23, 2014	Collective Bargaining	Released: July 8, 2019	
	Pending or Imminent Litigation	Released: March 22, 2021	
	Personnel	X	
June 9, 2014 (COW) Approved: June 23, 2014	Collective Bargaining	X	
	Pending or Imminent Litigation	Released: March 22, 2021	
	Personnel	X	
	Security and the Use of Personnel	Released: March 22, 2021	
June 23, 2014 (COW) Approved: March 9, 2015	Collective Bargaining	X	
	Pending Litigation	Released: March 22, 2021	
	Personnel	X	
	Purchase or Lease of Real Property	Released: July 8, 2019	
July 14, 2014 (COW) Approved: March 9, 2015	Collective Bargaining	X	
	Personnel	X	
August 11, 2014 (Regular) Approved: March 9, 2015	Personnel (A & B)	X	



EXECUTIVE-CLOSED SESSION MINUTES INDEX

2014		Recommendation for Release	
		Yes	No
August 25, 2014 (COW) Approved: March 9, 2015	Personnel	Released: July 8, 2019	
August 25, 2014 (Regular) Approved: March 9, 2015	Personnel	X	
September 22, 2014 (COW) Approved: March 9, 2015	Personnel	Released: March 22, 2021	
	Sale of Property		
	Selection of a Person to Fill a Public Office	Released: July 8, 2019	
September 22, 2014 (Regular) Approved: March 9, 2015	Pending or Imminent Litigation	Released: March 22, 2021	
	Personnel	Released: July 8, 2019	
October 13, 2014 (COW) Approved: March 9, 2015	Collective Bargaining	Released: July 8, 2019	
	Person to Fill an Office	Released: July 8, 2019	
October 13, 2014 (Regular) Approved: March 9, 2015	Collective Bargaining	Released: July 8, 2019	
October 27, 2014 (COW) Approved: March 9, 2015	Personnel	X	
October 27, 2014 (Regular) Approved: March 9, 2015	Collective Bargaining	Released: July 8, 2019	
	Personnel	Released: July 8, 2019	
November 10, 2014 (Regular) Approved: March 9, 2015	Collective Bargaining	Released: July 8, 2019	
	Pending or Imminent Litigation	Released: March 22, 2021	
December 8, 2014 (Regular) Approved: March 9, 2015	Collective Bargaining	Released: July 8, 2019	
	Pending or Imminent Litigation	Released: March 22, 2021	
	Purchase or Lease of Real Property	Released: July 8, 2019	

Audio recordings of the 2014 Executive Session meetings destroyed August 9, 2019, as per Resolution 2019-110.

**MINUTES
COMMITTEE OF THE WHOLE MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB**

Date: January 13, 2014

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on January 13, 2014, in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 5:50 p.m. City Clerk Liz Peerboom called the roll call and Council members in attendance were: Mayor John Rey, Alderman David Jacobson, Alderman Bill Finucane, Alderman Kristin Lash, Alderman Bob Snow, and Alderman Monica O'Leary. Absent: Alderman Ron Naylor, Alderman Dave Baker.

Also present were: Interim City Manager Rudy Espiritu, City Attorney Dean Frieders, Human Resources Director Michelle Anderson, Principal Planner Derek Hiland, Police Chief Gene Lowry, Finance Director Laura Pisarcik and City Clerk Liz Peerboom.

PERSONNEL 5 ILCS 120/2(c)(1)

- 1) Mr. Frieders advised Council of an injury to an employee, in which the employee was carrying a cash tray and fell. The employee no longer works for the City of DeKalb, but has asked for \$49,000 in compensation. Council consensus was to allow Mr. Frieders to negotiate a settlement of up to \$40,000.
- 2) Mr. Frieders advised Council of an injury to a current employee, in which the employee injured her shoulder. The employee is asking for \$45,000 in compensation. Council consensus was to allow Mr. Frieders to negotiate a settlement of up to \$35,000.
- 3) Mr. Frieders advised Council of an employee that, in her view, was given wrong insurance information on the OBAMA care changes. This potentially forced the employee to take a part-time position to go onto her husband's insurance. After a short discussion, Council agreed that Mr. Frieders should have a meeting with the employee and discuss the potential of full-time employment.

ADJOURNMENT:

Ald. Jacobson moved to adjourn closed session; seconded by Ald. Lash. Motion carried by voice vote.

Returned to open session at 6:10 p.m.

ELIZABETH PEERBOOM City Clerk



**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB**

Date: February 10, 2014

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on February 10, 2014, in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular City Council Meeting of the same day.

The closed session started at 7:24 p.m. City Clerk Liz Peerboom called the roll call and Council members in attendance were: Mayor John Rey, Alderman David Jacobson, Alderman Bill Finucane, Alderman Kristin Lash, Alderman Bob Snow, Alderman Ron Naylor, Alderman Dave Baker, and Alderman Monica O'Leary.

Also present were: City Manager, Ann Marie Gaura, Assistant City Manager Rudy Espiritu, City Attorney Dean Frieders, Principal Planner Derek Hiland, , Public Works Director TJ Moore, Fire Chief Eric Hicks, Police Chief Gene Lowery, and City Clerk Liz Peerboom.

PURCHASE OF REAL PROPERTY 5 ILCS 120/2(c)(5)

- 1) Protano's Property – Assistant City Manager Rudy Espiritu advised Council that Principal Planner Derek Hiland had an update on the Protano Property. Mr. Hiland advised that he has been in contact with DeKalb County and they are advising that the owners owe back taxes on the property, and that the County is in the process of filling the paperwork to acquire the parcels to sell for the back taxes. Ms. Gaura advised the Council not to let the public know what the City's strategy is. Mr. Espiritu advised that the property will likely go to auction in the late summer. Ald. Naylor asked what information can be released. Mr. Hiland advised that he can identify the contaminants. Mr. Frieders advised that at this time staff has not received a final report, but when they do receive that final report is could be potentially FOIAable. Ms. Gaura advised that staff will bring more information to Council before the auction. Mr. Hiland left the meeting at 7:40 p.m.
- 2) Otto's – Mr. Frieders advised Council that the building experienced flooding due to lack of heat in the building. He also advised that the building has a long list of Code violations. Adding that the building hasn't been properly maintained and the owner is only interested in doing cosmetic changes. He said that staff has provided a two week window to address the list of code violations, advising that the deadline for that list is February 21, 2014. After a short discussion, Mr. Frieders advised that he will update Council when more information becomes available, but he thinks Council may be discussing demolition in the future.
- 3) Irving – Mr. Frieders advised that the City has received the Cybo Claim. The City had advised Mr. Irving that staff would withhold payments until they received the Insurance certificate. Mr. Irving complied with that request. Mr. Frieders also advised Council that he has notified the bonding company and that the City is fully bonded. Mr. Frieders added that the City used a title company for all payments for the project, so there is a record of every payment that Mr. Irving has received. He also added that by virtue of living in the building, staff has found more issues. Ald. Jacobson asked about a defined warranty. Mr. Frieders advised that Mr. Irving supplied a three year warranty. Mr. Frieders advised that he will have updates in the future. Mr. Moore, and Chief Hicks left at 7:54 p.m.

- 4) Wurlitzer Building – Mr. Frieders advised Council that the owner is defending the petition in court.

PERSONNEL 5 ILCS 120/2(c)(1)

- 1) Mr. Frieders advised Council that the two work comp cases that were discussed at the last Closed Session meeting were settled. The employee that injured her shoulder settled for \$26,000, and the former employee that injured her back while carrying a cash drawer settled for \$35,000.
- 2) Police Officer Car Accident – Victim has complaints on how the accident was handled.
- 3) The employee that Mr. Frieders was to discuss full-time employment with has asked for \$182,000. Mr. Frieders recommends not to counter an offer that high. Chief Lowery left the meeting at 8:02 p.m.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2)

Mr. Espiritu distributed a copy of the Tentative Agreement with the FOP that was discussed with Council on October 8, 2013 and signed on October 15, 2013, which contained the following:

- Contract term – 3 years
- Educational incentives – Tuition only; no books or fees
- Sick time/pool – Increase cap from 936 hours to 2,080 hours. No increase in payout hours. Any excess sick hours at retirement (beyond 720 hours) goes back into the sick pool. The sick pool max is 4,160 hours. Buy back to retire early.
- Shift Scheduling/Picks – Seniority based shift picks and days off with management override clause *Based upon working in Carpentersville FOP contract language*.
- Vacation scheduling – Current vacation levels: 6 years; proposed: 7 years and Current: 17 years; proposed: 18 years (new hires only – date of ratification. Cash out of 40 hours of vacation per year pending approval from the Police Chief and the City Manager. If cash out request is denied, vacation (one week) can be carried over to following calendar year; subject to a later date. Language change, pro-rated vacation.
- Residency: 30 mile circle from Police Station must fall within circle.
- Longevity to mirror AFSCME.
- Health Insurance – No change in plan design, No change in employee contribution (3.5%, 4.5%, 5.5% of salary), offer single catastrophic plan at no cost (similar to IAFF) as option, optional plan for all employees (single, single +1, family).
- Wages – 2.5%, 2.5%, 2.5%. Convert to 8 step plan for new hires only (date of ratification).

Council discussed the tentative agreement, and Mr. Espiritu answered questions. He advised that he will have Finance Director Laura Pisarcik bring in a cost out on how much it would cost the city to allow 40 hours of vacation to be paid out. He also added that all City employees will now be on the 8 step pay plan. This will potentially be on the March 10, 2014 Council agenda for approval.

Mr. Espiritu also advised that the contract ended June 1, 2013, and he gave authorization under the City Manager's spending authority to pay the employees retroactively, but it will end up going over that spending authority, so he wanted to bring it to the Council's attention. Ms. Gaura advised that in the future this will not take place without approval from Council.

Ald. O'Leary asked about wellness, and Mr. Espiritu advised that wellness is separate from the contract.

Ald. Naylor asked about tiers. Mr. Frieders advised that the language was pulled from other contracts and it is in place in the other bargaining units.

Mr. Espiritu advised that he will have Ms. Pisarcik update the Council on the total cost of the contract.

ADJOURNMENT:

Ald. Jacobson made a motion to return to open session, seconded by Ald. Finucane. Motion carried by voice vote.

Returned to open session at 8:20 p.m.

Date Approved: June 23, 2014
Released: December 13, 2021



**MINUTES
COMMITTEE OF THE WHOLE
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB**

February 24, 2014

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on Monday, February 24, 2014 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Special Meeting of the same day.

The closed session started at 5:06 p.m. Council members in attendance were: Mayor John Rey, Ald. David Jacobson, Ald. Bill Finucane, Ald. Kristen Lash, Ald. Bob Snow, Ald. David Baker and Ald. Monica O'Leary. Absent was Ald. Ronald Naylor.

Also present were: Anne Marie Gaura, City Manager; Dean Frieders, City Attorney and Diane Wright, Deputy City Clerk.

PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(c)(1):

Ms. Gaura stated she will update Council on what she has discovered regarding the City's expenditures which are in excess of the City Manager's authority; some are oversights, she said. Regarding the item on the Agenda, fitness equipment at the Police Station, she said that some thought donations would be separate from the \$20,000 ceiling. She is communicating with staff that it is the total amount of the expenditure. She added there have been unbudgeted spending from the administrative tow funds. Mr. Frieders added that there are other areas separate from the admin tow where the City is receiving and spending funds without going through the normal Council review process. These will be brought forward with a minimum of budget amendments for Council. He added that the City Manager is looking into why the antenna at the Police Station was paid out of admin tow funds and staff sought Council approval, but other items were not brought before Council. Also, it has been discovered that furniture, fixtures and equipment were paid from the admin tow funds and \$73,000 has been spent on Police Station's building related issues.

Ms. Gaura stated that she believes expenditures were made for the Police Station in excess of the approved budget, i.e. fitness equipment, bonds and some or all of the furniture. She has asked staff to prepare a spreadsheet for all monies spent to date. She noted that this ties in to how the project was managed and the item will be brought forward in open session. She added that staff will look at deficiencies in the building as we move forward.

Ald. Lash stated she appreciates the transparency and has been concerned about the expenditures on Finance's move to the first floor, particularly the break room.

Ms. Gaura stated that this ties into moving Finance to the 1st floor, and added there is no reason why staff shouldn't be in this building prior to renovation. She advised Council she is looking at responsibilities and will be moving the supervision of some areas, in particular that Finance will report to her along with Economic Development. Rudy will assume supervision of Building and Planning. TJ and the Engineering staff will move to the Public Works building; he will manage Public Works and Capital Planning. The first floor will contain Finance and the Building Division. Planning, Economic Development and IT would move to the second floor. She noted she is not looking at spending additional funds. This ties into potential litigation of the Police Station building; Public Works has become a multi-faceted department, and is not conceivable for one person to manage effectively.

Ald. Lash asked how the Finance move affects the remodel of City Hall and questioned whether we wasted money to rip out the kitchen. Ms. Gaura replied that a break room pays dividends in morale; anything that is a short term fix is not a waste.

Ms. Gaura added there will be further discussion regarding benefits. There is direction regarding a comp study which ties into those benefits. Staff will bring back the Request for Proposal, she added.

Ald. Jacobson questioned the flow of spending and asked if all the expenses are approved by the City manager. Ms. Gaura replied that department heads can sign off up to \$10,000. She added there will be additional information brought back to Council, and she wants to ensure we are spending the City's funds as diligently as possible. Ald. Jacobson stated it has been frustrating to not get answers and asked if there are there checks and balances on admin towns. Ms. Gaura stated that his being addressed. Mr. Frieders added that Ms. Gaura has been proactive in determining where issues are arising. Mayor Rey stated it is important to give Ms. Gaura Council's support and be unified in our support in her direction.

Ms. Gaura stated that the reorganization will be discussed with staff on Thursday; she is also meeting with the executives of the labor unions. The Annex staff will begin moving in the next 30-60 days. She added that through budget process she may recommend the potential of a Community Development Director and will hopes to make it revenue neutral.

Ms. Gaura stated that over the last two weeks there have been issues that have surfaced that concern her on the Finance side – how we manage budget, how we pay for things. One of the EPI recommendations was to have personnel in purchasing – Ms. Pisarcik's focus is on finance, not purchasing, she added. Some staff is spending over \$20,000 – there are no checks and balances and these should be brought to the attention of the City Manager. On the expenditure side – there is approximately \$200,000 budgeted on studies but she would like to use some of those funds and deal with Finance issues. She advised Council she would like to bring in a retired finance director to look at overview of budget – there are costs that have occurred which will be brought to Council in open session. Ms. Gaura added that she doesn't have the strongest confidence in some of the financial procedures in place. This person would be at \$20,000 and she would come to Council prior to exceeding that amount. It would be beneficial to bring someone in from the outside to recommend formal purchasing procedures and budget amendments in open session, she added. Mr. Frieders stated that Ms. Gaura is finding that specific City personnel are

having performance issues – the plan is to bring in a consultant to address this, and also look at potential issues. Our preliminary review shows some accounts are viewed as checking accounts – some are balance sheet items – they may never come to Council for approval. Some of the expenses in the check register are funds spent and unbudgeted and collected from a number of sources. Sales tax revenue shared with Sycamore and County is not reflected in the budget; it simply shows \$8 million net, not \$10 million taken in and \$2 million spent. There are not expenditures referenced in the budget for admin tow, he said.

Ms. Gaura expressed concern of the capabilities of key staff members who are in key positions, i.e. TJ Moore and Laura Pisarcik. Would like the fresh set of eyes (consultant) perform an “audit” and make recommendations. Ms. Gaura stated she is concerned neither of our auditors has not addressed this. Council needs to know this and if we are going to “right the ship” we have to address these issues.

Ald. Jacobson stated that Ms. Pisarcik was brought in as the Finance and Purchasing Director. He added that there are large, glaring mistakes every time Council is given financial sheets. When brought forward, Council is told “I don’t know, and I will get back to you.” He added he believes \$14 million was spent on the Police Station, not \$12 million. Ms. Gaura stated it is early to put a dollar figure on it – would not want to speculate, but there are clear deficiencies. Many communities have that position separated into two positions. Her goal, she said, is to give everyone the tools to succeed and the benefit of the doubt. Everyone will have the ability to succeed. This gives Ms. Pisarcik the opportunity to succeed and we will see where it goes from there. Ms. Gaura said she would chalk it up to the prevailing culture “we have done it this way for years” which is the current mentality. Mr. Frieders stated that Ms. Gaura is being charitable and fair – you need to understand that anyone with a basic municipal financial background should know this. Council will see many expenditures that were never budgeted. Mayor Rey encouraged Council to copy Ms. Gaura when asking staff questions.

Ald. Lash questioned liability and added that Council has always been told something was in the \$12 million budget for the Police Station in open session. How can staff know that without a ledger, she asked. Ms. Gaura stated this is a performance issue; they do not know the answer. We have software that should give us reports, but the Finance Director has told me it is not available. Mr. Frieders added there were probably a large number of expenditures that were outside someone’s spending authority but also not budgeted. We have someone independent – Chicago Title who is watching what is spent. Also, he did not think we are looking at \$14 million as Ald. Jacobson stated, but something over \$12 million on the Police Station, he said.

Mayor Rey advised Council there have been multiple FOIAs recently filed regarding expenditures.

Ms. Gaura stated she is prepared to take whatever action is necessary. In her first few weeks here she has encountered Ms. Pisarcik acting in an insubordinate way. She added that Mr. Frieders has prepared language for her regarding discipline of Ms. Pisarcik. She asked Council if there was any concern about contracting with retired finance director to provide recommendations; Council consensus was to proceed. She added she would like to issue a press release to bring

someone in to do thorough review of finances and look at changes to budget, purchasing procedures, how items are communicated to Council.

Mr. Frieders advised that the City has received three FOIAs – they are targeted to a number of City accounts – many of which are the ones discussed tonight. One is due Thursday and staff will ask for an extension. Staff will be producing a number of documents that will reflect the concerns we raised tonight, he said. There is potential for litigation for taxpayers being able to challenge unlawful expenditures; this has become a public issue. Questions are specifically targeted as to not think the petitioner came up with these independently.

Ms. Gaura stated that the goal is transparency – if there are issues we are not doing properly – let's change them. We like to take preemptive strike and let all know we are bringing someone in from the outside and hope to be a better organization because of it.

Mr. Frieders cautioned Council that the City is an employer – please insure we do not reveal any employee information or other info that may cause the City to have any additional liability or exposures.

MOTION

Ald. Lash moved to adjourn closed session; seconded by Ald. Baker. Motion carried on voice vote. Mayor Rey declared closed session adjourned at 6:07 p.m.



Date Approved: June 23, 2014
Released: December 13, 2021

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB**

February 24, 2014

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on Monday, February 24, 2014 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Special Meeting of the same day.

The closed session started at 6:45 p.m. Council members in attendance were: Mayor John Rey, Ald. David Jacobson, Ald. Bill Finucane, Ald. Kristen Lash, Ald. Bob Snow, Ald. David Baker and Ald. Monica O'Leary. Absent was Ald. Ronald Naylor.

Also present were: Anne Marie Gaura, City Manager; Dean Frieders, City Attorney and Diane Wright, Deputy City Clerk.

COLLECTIVE BARGAINING AS PROVIDED FOR IN 5 ILCS 120/2(c)(2):

Mr. Espiritu stated Council requested at the last closed session a cost-out on the FOP contract. He added that direction from Council was to offer no more than 7 ½% over three years (2.5, 2.5, 2.50) for cost of living. He noted that the huge majority of arbitrators may award between 2% and 3%. Last year average was 2.65% for Police. Our 2.5% is very much in the range of what interest arbitrators are awarding for Police, he said and money was saved by not going to arbitration. Ms. Gaura said one of the things we are doing is utilizing Clark Baird Smith as far as contract language. Her goal, she said, is to utilize Dean's talents on the municipal items. Ald. Jacobson noted we are speeding toward a point where revenues will cross the line of expenses at some time, and this is double what our original intent was which will push us to very difficult financial decisions at some point in time. Mr. Espiritu stated that whether we did it voluntarily or through arbitration it would have been the same issue.

Mr. Espiritu stated that DeKalb is conducting interest-based bargaining with all unions. Some of their issues are: length of contract (we are assuming they want a three year contract); residency circle - we increased residency circle to 30 miles from the Police Station for Police. AFSCME is also looking at residency; it is currently 7 ½ miles from City Hall. Council discussed the residency; Ald. Baker believed all employees should live within the City; Ald. Lash stated the snow plowers should live in the City limits, but sees their point in recruiting employees. Mr. Espiritu clarified this requirement is for emergency workers. Discussion ensued. Mr. Espiritu surmised that Council direction is to leave as is. Ms. Gaura stated the 7 ½ radius puts us to the edge of Sycamore - AFSCME wants a little more freedom of where to live. She asked if Council is interested in expanding radius or do they really want first responders to live in the City? Ms. Gaura brought up the issue of dual income; spouses working in different cities and residing half

way between both. Ms. Gaura suggested that we can monitor employees and if they can't come in, we can strengthen language that if you cannot come in you would be disciplined.

Mr. Espiritu next discussed uniforms and noted that the concern that employees are not wearing appropriate standard uniforms and we want to make sure all are standard. We want to make sure they are purchasing City logo uniforms. The union for the most part agreed with it. Ms. Gaura added there are ways we can make sure the money is spent. EPI report addressed image of the City and how people perceive the quality of services they receive. Discussion ensued regarding return of uniforms once an employee leaves the City, consistency, etc..

Mr. Espiritu stated AFSCME wants to discuss retirement incentives and he assumes this is regarding early retirement incentive program. We are finishing early retirement with IMRF. He does not recommend offering this to them.

Mr. Espiritu discussed medical insurance, wellness program, Cadillac tax. Regarding COLA, Ms. Gaura suggested doing comp of cities. On average, it is 2% last year and 1.96% for this year. Staff is seeking authorizing from Council for 2% each year over three years. Ald. Snow wanted to see pension costs separated out. Ms. Gaura asked what is the philosophy of Council regarding internal equity; is there a concern to treat all employees the same, she asked. Ald. Baker agreed that Council always treated them equally. Ms. Gaura stated that FOP was discussed 2 ½% over three years and this is 2% over three years. This could create issues, she said.. Ald. Baker stated that most of the AFSCME positions could be outsourced. Ald. Lash suggested using it as a bargaining tool for the residency requirement – higher COLA. Mr. Espiritu stated he would rather say Council does not want to increase residency – if they want residency stipend he will bring it to Council, he said. Consensus was not to exceed 2% per year.

PENDING OR IMMINENT LITIGATION AS PROVIDED FOR IN 5 ILCS 120/2(c)(11);

Mr. Frieders noted that staff does have a response to a telecommunicator's demand for compensation.

He updated Council on a previously discussed police officer involved in combative fight in the Police Station. The settlement went to the arbitrator, he said. The employee had ongoing tooth problems. He believes it can be settled for \$13,000.

He provided an update on the Police Station and noted that staff is in the process of resolving payment issues but have put all payments on hold for the time being. We may release some payments in the coming weeks, but will withhold some.

An appeal has been filed on the Fitzgerald property on State Street. It has already been demolished. If they pursue appeal it could take several months to a year, he said.

Staff is finishing service on all tenants who claim liens regarding Miskin property. Staff will file for default in March on 315 N. 10th, Market Street and potentially 5th and Oak. Demo will likely occur mid-summer on the worst property, he said.

A lien was received on Taylor Street, but not City property. Regarding the trespass at iHop, there is a \$75,000 demand for settlement. Staff does not recommend anything.

Meeting with Ottos tomorrow; demolition permits have been pulled for clean up. The owner believes basic repairs will take care of things. However, major repairs require ADA. Staff has produced all documents regarding Wurlitzer. Court has given defendants additional time to work on insurance lawsuit which does not have probability of success, he said.

The DeKalb Motel is completing repairs. Fire will go in next week to look at status. Half of rooms are open; half closed, he said.

Travel Inn completed repairs of rooms. The issue is the balcony. They have developed plan of repair – we will meet with them this week. Neither DeKalb Motel nor Travel Inn have been issued licenses; should have recommendation at next week and will do a report on hotels in a future Council meeting.

MOTION

Ald. Jacobson moved to adjourn closed session; seconded by Ald. Lash. Motion carried on voice vote. Mayor Rey declared the closed session adjourned at 7:36 p.m.



Date Approved: June 23, 2014
Released: December 13, 2021

**MINUTES
COMMITTEE OF THE WHOLE MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
MARCH 10, 2014**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on Monday, March 10, 2014, in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 5:05 p.m. City Clerk Liz Peerboom called the roll call and Council members in attendance were: Mayor John Rey, Alderman David Jacobson, Alderman Bill Finucane, Alderman Kristin Lash, Alderman Bob Snow, and Alderman Dave Baker. Absent: Alderman Ron Naylor and Alderman Monica O'Leary*.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Rudy Espiritu, City Attorney Dean Frieders, Fire Chief Eric Hicks, Police Chief Gene Lowery, Public Works Director TJ Moore and City Clerk Liz Peerboom.

SECURITY PROCEDURES AND THE USE OF PERSONNEL 5 ILCS 120/2(c)(8) and PENDING LITIGATION 5 ILCS 120/2(c)(11)

City Attorney Dean Frieders presented pictures on a screen, depicting code violations at Lord Stanley's / Amex. The Council discussed the issue and Mr. Frieders advised that staff would provide options to Council at a future meeting.

*Ald. O'Leary arrived at 5:07 p.m.

Discussion continued regarding concern over the violations. Mayor Rey said that the City must get consistent on code enforcement. Mr. Frieders said that staff will provide the Council with options at the next meeting.

PERSONNEL 5 ILCS 120/2(c)(1)

Assistant City Manager Rudy Espiritu advised Council that after a preliminary review of the City's finances, Finance Director Laura Pisarcik has resigned. She was on administrative leave for a few days and then her last official day was Friday, March 7, 2014.

Mr. Espiritu highlighted some issues that had come to their attention, including some unpaid bills, which have been rectified. He added that they also found that a temp worker's salary has now exceeded the City Manager's spending authority and that worker's services have been terminated and will not be replaced at this time.

City Manager Anne Marie Gaura discussed the possibility of doing a study to hire a Finance Director. She pointed out that there was a study already budgeted that has not been done, so it would be cost neutral. At this time, Mr. Espiritu has taken over the duties of Finance Director and will move down to the first floor when the Finance Department moves. Ms. Gaura advised that she met with staff regarding the reorganization.

Ms. Gaura advised that there were two police officer positions budgeted in FY2014 that have not been filled, and the Police Department is currently one position away from being fully staffed according to the staffing plan. She would like a consensus to move forward with hiring three officers. It would be mid- to late-June before the officers were on board.

Ms. Gaura advised that there may be additional staff needed in the future, namely a Community Development Director.

Discussion continued on the staffing and consensus was to move forward with hiring the officers.

Chief Lowery, Chief Hicks and Public Works Director Moore left the meeting at 5:28 p.m.

PURCHASE OF REAL PROPERTY 5 ILCS 120/2(c)(5)

Ms. Gaura advised the Council that staff would like to pursue acquiring the Protano property. She advised that at this point the County would be moving forward with the tax sale and eventual auction, but there is a piece of property on Sycamore Road that the County would like to dispose of that has been causing issues with adjacent business owners. This property serves at the entrance to Walmart and Lowe's. Ms. Gaura advised that staff is recommending approaching the County and tying the two properties together. Then, the County could turn the properties over to the City at no cost, instead of going to auction with the properties.

Mr. Frieders advised that the second property would need to be maintained by the City if this transfer occurred. He added that it is possible to do a Special Service Area to cover the cost of maintenance. Consensus was to direct staff to move forward with working with the County.

ADJOURNMENT:

Ald. Lash moved to adjourn closed session, seconded by Ald. Snow. Motion carried by voice vote.

Returned to open session at 6:02 p.m.

ELIZABETH PEERBOOM
City Clerk



Approved: June 23, 2014
Released: March 22, 2021

**MINUTES
COMMITTEE OF THE WHOLE MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB**

Date: Monday, March 24, 2014

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on Monday, March 24, 2014, in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 5:43 p.m. City Clerk Liz Peerboom called the roll call and Council members in attendance were: Mayor John Rey, Alderman David Jacobson, Alderman Bill Finucane, Alderman Kristin Lash, Alderman Bob Snow, Alderman Ron Naylor, Alderman Monica O'Leary and Alderman Dave Baker.

Also present were: City Manager Anne Marie Gaura, Attorney Dean Frieders, Fire Chief Eric Hicks, Police Chief Gene Lowery, and City Clerk Liz Peerboom.

**SECURITY PROCEDURES AND THE USE OF PERSONNEL 5 ILCS 120/2(c)(8) and
PENDING LITIGATION 5 ILCS 120/2(c)(11)**

City Attorney Dean Frieders presented pictures on a screen, depicting code violations of properties recently inspected. He advised Council what types of inspections they would like staff to undertake. City Manager Anne Marie Gaura discussed the condition of the buildings within the City and what it means to residents.

Mr. Frieders recommended expanding inspections. He advised that the Municipal Code allows staff to inspect the entire structure of the licensed establishment, not just the business that is asking for the license, and recommended combining certain inspections into a single ordinance, with one application and due date.

Discussion followed regarding violations and inspection process.

PENDING LITIGATION

Ms. Gaura discussed the City Manager's spending authority and asked Council if they would like each and every purchase brought to their attention that is under that amount. Consensus was to allow staff discretion but to give a brief update to Council periodically.

ADJOURNMENT:

Ald. Lash moved to adjourn closed session, seconded by Ald. Snow. Motion carried by voice vote.

Returned to open session at 6:11 p.m.

Approved: June 23, 2014
Released: July 8, 2019

ELIZABETH PEERBOOM, City Clerk



**MINUTES
COMMITTEE OF THE WHOLE MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
APRIL 14, 2014**

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on April 14, 2014, in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular City Council Meeting of the same day.

The closed session started at 5:46 p.m. City Clerk Liz Peerboom called the roll call and Council members in attendance were: Mayor John Rey, Alderman David Jacobson, Alderman Bill Finucane, Alderman Kristin Lash, Alderman Bob Snow, Alderman Ron Naylor, Alderman Dave Baker, and Alderman Monica O'Leary.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Rudy Espiritu, City Attorney, and City Clerk Liz Peerboom.

PENDING OR IMMINENT LITIGATION 5 ILCS 120/2(c)(11)

City Attorney Dean Frieders updated the Council on the following items:

- Wurlitzer Building
- Miskin Properties
- Fitzgerald Case

ADJOURNMENT:

At 6.05 p.m., Ald. Lash moved to adjourn closed session; seconded by Ald. Jacobson. Motion carried by voice vote.

Approved: June 23, 2014
Released: July 9, 2018

ELIZABETH PEERBOOM, City Clerk



**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
APRIL 14, 2014**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on April 14, 2014, in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular City Council Meeting of the same day.

The closed session started at 7:21 p.m. City Clerk Liz Peerboom called the roll call and Council members in attendance were: Mayor John Rey, Alderman David Jacobson, Alderman Bill Finucane, Alderman Kristin Lash, Alderman Bob Snow, Alderman Ron Naylor, Alderman Dave Baker, and Alderman Monica O'Leary.

Also present were: City Manager, Anne Marie Gaura, Assistant City Manager Rudy Espiritu, City Attorney, Chief Eric Hicks, Police Chief Gene Lowery Dean Frieders, Principal Planner Derek Hiland, Public Works Director TJ Moore, Fire, and City Clerk Liz Peerboom.

SECURITY PROCEDURES AND THE USE OF PERSONNEL 5 ILCS 120/2(c)(8)

City Attorney Dean Frieders advised the Council of several issues that were identified on re-inspection of the Travel Inn. He also advised that staff will be proceeding to Administrative Hearing in order to deny the owner a hotel license. Mr. Frieders suggested undertaking a meaningful inspection process, which would include the following:

- Adding staff
- Outsourcing inspection services

PERSONNEL 5 ILCS 120/2(c)(1) (Released: July 8, 2019)

As a result of the discussions outlined in the above item (Security Procedures and the Use of Personnel, Mr. Frieders addressed some concerns about current performance of inspectors. He added that the EPI Report suggests outsourcing inspectors. Mr. Frieders also outlined outsourcing inspectors, and Council discussed what needed to be done with current staff.

City Manager Anne Marie Gaura advised that she does not believe that a meaningful inspection process would work with the current staff.

Mr. Frieders advised that staff would:

- Do a cost/benefit analysis and return it to Council by April 28, 2014
- Would need to give a 45-day notice to AFSCME
- Within 60 days, an RFP for outsourcing would go out
- Staff will review the Building Code and adopt the latest updated Code
- Would need one ordinance that would cover all inspections
- Offer an amnesty program
- Longer term – the program would be supervised by a newly created staff position of Community Development Director

- Hire part-time inspectors that would remain in-house

Discussion continued regarding the current building inspectors' performance and outsourcing. Council and staff discussed quality and level of management

Ms. Gaura asked that Council keep this discussion confidential. Mayor Rey asked who the spokesperson would be, and Ms. Gaura advised that it would be City Attorney Dean Frieders.

ADJOURNMENT:

At 8:00 p.m., Ald. Lash moved to adjourn closed session; seconded by Ald. Jacobson. Motion carried by voice vote.

ELIZABETH PEERBOOM
City Clerk



Approved: June 23, 2014
Partial Release: July 8, 2019
Full Release: March 22, 2021

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
APRIL 28, 2014**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Monday, April 28, 2014 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Special Meeting of the same day.

The closed session started at 6:54 p.m. Council members in attendance were: Mayor John Rey, Ald. David Jacobson, Ald. Bill Finucane, Ald. Kristen Lash, Ald. Bob Snow, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Anne Marie Gaura, City Manager; Rudy Espiritu, Assistant City Manager, Eric Hicks, Fire Chief, TJ Moore, Public Works Director, Gene Lowery, Police Chief, Dean Frieders, City Attorney and Diane Wright, Deputy City Clerk.

PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(c)(1):

Mr. Frieders distributed data on personnel costs regarding previous discussions on building staff changes. He noted that the City would give the union and affected employees notice and offer them an opportunity to discuss. A final decision would be made in 45 days.

Mr. Frieders advised that staff has a recommendation of a company to provide the services of the building inspectors. Their fee is 75% of our permit fees which includes plan review and inspections. Their services do not include fire inspection, which is kept in-house. They offer a service guarantee, i.e. guaranteed turnaround times on permit times and plan reviews. Their software will interface with our GIS system. The City would have the ability to use the software with property maintenance or crime free inspections.

They are available 24/7, with a minimum two-hour charge at \$85 per hour. Under our Municipal Code, the Fire Department has the same ability to declare a building uninhabitable, if necessary, he said. Also, he said, this outsourcing will save the City money over salaries and benefits previously paid.

Ald. Naylor expressed concern for the three employees and suggested this wait until the budget process. Ms. Gaura stated this is part of the budget process. She added this best serves the community moving forward. Discussion continued regarding the process.

Ald. Baker stated that he was told that Joel Maurer received \$400,000 when he retired and asked if the City was considering outsourcing engineering services also. Mr. Frieders stated that was not being discussed at this time.

Chief Hicks, Chief Lowery and Mr. Moore left the room at 7:54 p.m.

Ms. Gaura next discussed the Finance Director position. The financial consultants are strongly recommending that this position be filled immediately, she said. Ms. Gaura asked to upgrade the position to a Department head position with the Finance Division as a Department. Additionally, the recommendation is to move IT into that Department. Human Resources would remain in the City Manager's office. There have been issues with the audit, the budget, general ledger postings, she said and the City needs a strong Finance Director to get the finances in order.

Mr. Espiritu stated the general ledger is in bad shape; many things are going in the wrong accounts. When we recruited for the position, he said, we did not get top caliber candidates. It is clear to the financial consultants that the finances in the City have not been a priority and the City needs someone with a strong financial municipal background. At this point we are not recommending outsourcing payroll, Ms. Gaura stated.

Ms. Gaura asked to upgrade to a Department head and advertise on Thursday. Ald. O'Leary asked what is the role of the auditors. Mr. Frieders stated that one of the job duties of the Finance Director would be to evaluate the relationship with the auditors and recommending better techniques. KL I thought LP was Department Head. After further discussion, Council consensus was to move forward with the process of recruiting for a Finance Director as a department head.

PENDING OR IMMINENT LITIGATION 5 ILCS 120/2(c)(11) (Released: July 9, 2018)

Mr. Frieders provided updates on pending or imminent litigation regarding the Wurlitzer building, Miskin, Fitzgerald. There will be a hearing on the Travel Inn in approximately two weeks, he said.

MOTION

Ald. Finucane moved to adjourn closed session; seconded by Ald. O'Leary Motion carried on voice vote. Mayor Rey declared the closed session adjourned at 8:16 p.m.



**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB**

Date: May 12, 2014

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on May 12, 2014, in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular City Council Meeting of the same day.

The closed session started at 8:05 p.m. City Clerk Liz Peerboom called the roll call and Council members in attendance were: Mayor John Rey, Alderman Bill Finucane, Alderman Kristin Lash, Alderman Bob Snow, Alderman Ron Naylor, Alderman Dave Baker, and Alderman Monica O'Leary. Absent: Alderman Jacobson (arrived at 8:07 p.m.)

Also present were: City Manager, Anne Marie Gaura, Assistant City Manager Rudy Espiritu, City Attorney Dean Frieders, and City Clerk Liz Peerboom.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2) (Released: July 8, 2019)

Assistant City Manager Rudy Espiritu gave Council an update on FOP and AFSCME negotiations and stated he planned to have it on the agenda for approval at the May 27, 2014 Council meeting.

Ald. Naylor said that he thought that FOP was done. Mr. Espiritu advised that, with doing the two positions, he is just getting to going over the language in the contract. City Manager Anne Marie Gaura advised that staff will be changing the negotiation process and language will be updated as they proceed.

PERSONNEL 5 ILCS 120/2(c)(1)

City Attorney Dean Frieders updated Council on meetings with AFSCME in regards to the inspector's separation agreements. He advised that there is a law that requires the City to afford the employees a hearing.

Ald. Naylor asked why they were not terminated for cause. Mr. Frieders explained that, although there was sufficient evidence to terminate the employees for cause, it would be a long and drawn out process and would cost the City more than if they allowed the employees to sign the separation agreement and didn't fight the unemployment.

Mr. Frieders also explained that they were working through the unemployment issue and other issues.

PENDING OR IMMINENT LITIGATION 5 ILCS 120/2(c)(11)

Mr. Frieders updated Council on the following:

- Wurlitzer Building – drafting a motion for demolition. Council discussed different solutions.
- Miskin Property – a re-inspection of the properties found that the properties were in the same or worse shape than at the last inspection. Mr. Frieders advised that there is a hearing regarding

these properties on Wednesday of this week.

- Travel Inn – complaint to be filed for a hearing.

Ald. Naylor asked if he could get an update on the Protano property, and was informed that since it was not on the closed session agenda, the council could not discuss it. Ms. Gaura advised that Council will be updated at the next closed session meeting.

ADJOURNMENT:

Ald. Lash moved to adjourn closed session, seconded by Ald. Jacobson. Motion carried by voice vote.

Returned to open session at 8:28 p.m.

ELIZABETH PEERBOOM, City Clerk



Date Approved: June 23, 2014
Partial Release: July 8, 2019
Full Release: December 13, 2021

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
May 27, 2014**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on Tuesday, May 27, 2014 in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Special Meeting of the same day.

The closed session started at 8:20 p.m. Council members in attendance were: Mayor John Rey, Ald. David Jacobson, Ald. Bill Finucane, Ald. Kristen Lash, Ald. Bob Snow, Ald. Ronald Naylor, Ald. David Baker and Ald. Monica O'Leary.

Also present were: Anne Marie Gaura, City Manager; Rudy Espiritu, Assistant City Manager; Dean Frieders, City Attorney and Diane Wright, Deputy City Clerk.

PENDING OR IMMINENT LITIGATION AS PROVIDED FOR IN 5 ILCS 120/2(c)(11):

Mr. Frieders provide a recap to Council on the Travel Inn. He advised that the hearing on the Miskin properties is continued to June 3rd. The owners of the Wurlitzer building were given a specific timeframe via court order to demolish the building or the City will.

COLLECTIVE BARGAINING AS PROVIDED FOR IN 5 ILCS 120/2(c)(2): (Released: July 8, 2019)

Ms. Gaura stated that Mr. Espiritu will update Council on the FOP contract and it will be placed on the June 9th Council Agenda.

Mr. Espiritu stated it is a three-year contract from July 2013 through June 30, 2015. He enumerated the details of the contract for Council. He noted this is the first Police contract since he has been at the City that terms were agreed during negotiations.

Further, he said, he was not able to work on labor negotiations when he served as the interim city manager. He added that he hoped Council will consider moving forward with the contract.

Ald. Jacobson commented that the goals were to keep raises down, total compensation at or below growth, institute mandatory wellness plan and bring in plan design changes to have catastrophic plan. However, he added, none of these priorities were accomplished. Mr. Espiritu replied that if the contract went to arbitration, the raises would have been the same as history indicates that is what the arbitrators are awarded.

Ms. Gaura stated that she doesn't believe interest-based bargaining serves the City well and would go to traditional bargaining for the remaining negotiation. She added that moving forward there

are five key issues we have addressed that we have to make significant changes with Fire. She recommended using traditional bargaining with Police in two years.

Also, she said there are scheduled meetings with the labor attorney regarding Fire negotiations. They do not know we are proposing traditional bargaining. The firefighters do not have performance evaluations, she said, and that must be on the table.

Mr. Espiritu stated that AFSCME negotiations were going well before the outsourcing of the building inspectors. They were more aggressive at the last session. Right now the focus is on insurance. Ms. Gaura added that the City received notice that AFSCME wants to go into impacts and effect bargaining, and the City's response should go out in the next day or two. She stated that consideration is being given to having Dean Frieders at the table who understands outsourcing better than anyone. We have offered up meetings and have not heard back from them, she said.

Ms. Gaura asked Rudy Espiritu to step out of the meeting at 8:42 p.m.

PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(c)(1)

Mr. Frieders stated that TJ Moore has been the Project Manager of the construction of the Police Station, and he (Mr. Frieders) and Ms. Gaura have been trying to determine the costs and have been unable to receive this information along with what has been spent on furnishing the Police Station. Additionally, in the past week the City has received an inquiry from the Department of Labor asking for prevailing wage documents on the sub-contractors. In the course of asking for certified payroll records, TJ advised he does not have them. Irving Construction submitted records stating Irving did the work.

TJ said he wasn't aware he had to collect prevailing wage records. Public Works is now conducting an audit to determine if they have prevailing wage records on all contracts. If the Department of Labor investigates, there is no insurance they would cover this. TJ says it is his mistake but says he never really thought about it. This is a very significant issue, Mr. Frieders said.

Ms. Gaura stated that the bigger issue is TJ's performance and lack of knowledge. This is not the only concern she has seen, she said. There are costs exceeding \$20,000 and we are still investigating expenditures. She added there are a host of issues and concerns she has and she intends to meet with TJ and come up with a performance evaluation plan. This is a severe concern that she does not want Council surprised about in the future, she said.

Discussion ensued regarding this issue.

Mr. Frieders stated that the second issue is regarding Rudy Espiritu. The FOP contract has been sitting on Rudy's desk for several months and he has not moved forward. The reason the catastrophic plan is an issue is that he did not get one in place. Regarding the budget, Rudy has stated to Council that "no one was watching the City's finances." Additionally, Mr. Frieders said Staff has identified a number of issues with MSI under Rudy's watch: deferred comp was higher than it should have been in the budget; Police and Fire have not had enough deducted from their

paychecks to cover pensions. This could be a couple thousand dollars from each employee, he said.

Ms. Gaura added that she had to ask Rudy for the management letter that was not included in the audit. The financial consultants discovered lack of internal controls in Restaurant and Bar taxes and we are rectifying this immediately. We have a staff member not depositing money on a timely basis; there is a lack of checks and balances. She added that a large part of the reason she would not move forward with interest-based bargaining is that she does not have the time. It is not right to take something off Rudy's plate when it is his job, she said. She added she doesn't have the confidence that IBB will work with Fire because it has not worked with AFSCME and FOP. Rudy has acknowledged he is not spending the time in advance of negotiations. The reason we are still sitting here in May is that Rudy was not prepared and did not do his work in advance. You have to close off those items when you are at the table, she said. She added she will sit down with Rudy to discuss a performance evaluation plan.

Ald. Naylor addressed both personnel issues and stated there have been many staff reductions and he believes both staff members are capable if they had the time. He added he cannot imagine how TJ can do justice with all the responsibilities he has. Rudy also has many areas; Ald. Naylor asked how can he focus on everything. This needs to be taken into account as well, he said. He added that Irving should have done the prevailing wage, and questioned if it is TJ's responsibility. Ms. Gaura replied that under the current structure she sees timecards and the exempt hours. She stated she doesn't see many hours going above and beyond on TJ's timecard, and Rudy's extra hours were at budget time. She added if she has a lot on my plate she will work the hours to get it done. She has not seen the amount of hours from Rudy and TJ since she began. Mr. Frieders stated it has been a difficult decision – so many things were not done right and not meeting expectations.

Discussion continued regarding the personnel issues. Ald. O'Leary noted that the residency requirement was changed so that TJ could get hired. Ald. Jacobson stated his bigger concern is Rudy who didn't see the glaring problems in Finance.

MOTION

Ald. Lash moved to adjourn closed session; seconded by Ald. Jacobson Motion carried on voice vote. Mayor Rey declared the closed session adjourned at 9:15 p.m.



**MINUTES
COMMITTEE OF THE WHOLE MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB**

Date: June 9, 2014

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on June 9, 2014, in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular City Council Meeting of the same day.

The closed session started at 5:46 p.m. City Clerk Liz Peerboom called the roll call and Council members in attendance were: Mayor John Rey, Alderman Finucane, Alderman, Snow, Alderman Naylor, Alderman Baker, and Alderman O'Leary. Absent: Alderman Jacobson, and Alderman Lash.

Also present were: City Manager, Anne Marie Gaura, Assistant City Manager Rudy Espiritu, City Attorney Dean Frieders; Police Chief Gene Lowery, and City Clerk Liz Peerboom.

PENDING OR IMMINENT LITIGATION 5 ILCS 120/2(c)(11)

City Attorney Dean Frieders updated the Council on the following items:

- Wurlitzer Building – working on agreed order.
- Fitzgerald – Staff has proposed an agreed order to be signed by the end of the week, or Mr. Fitzgerald will forfeit the vehicles.
- Miskin – Hearings this week on two of the three properties, one property hearing continued.

Ald. Naylor had questions about the Wurlitzer Building.

Ald. Baker asked how many tenants are now housed in the building. Attorney Frieders advised that there are no tenants in the older part of the building, one tenant still in the complex.

Ald. Naylor advised that there are vehicles parked on Wurlitzer Court.

SECURITY AND THE USE OF PERSONNEL

City Manager Anne Marie Gaura advised that there was a firearm incident involving a police officer.

Chief Lowery described the incident and advised Council that during the incident one the officer's firearms malfunctioned. Staff is concerned about safety of the equipment. Chief Lowery advised that the subject firearm was sent to the manufacturer for testing. The manufacturer found what is called "throat erosion", which degrades the chamber of the gun and eventually the round can't be extracted. Chief Lowery also advised that staff is now going through each individual firearms to assess the throat erosion. He added that status of weapons is a priority and some weapons are more than 20 years old.

PERSONNEL ILCS 120/2(c)(1)

Assistant City Manager Rudy Espiritu gave Council an update on the status of the Voluntary Separations in the Building Department. He advised that there was a meeting held between ACM Espiritu, CM Gaura, 3 staff members from the Building Department and a representative from AFSCME.

CM Gaura advised that the goal of the meeting was for AFSCME and the three employees to obtain information, which ACM Espiritu provided, but advised that the union representative apparently hasn't read the information and made references to filing an Unfair Labor Practices suit against the City of DeKalb.

CM Gaura said that staff would like to get AFSCME to sign a side letter to the contract and employees would like a letter from the City stating that the separation was not for cause, but for financial reasons.

After some discussion, consensus was to authorize staff to offer 1 week's pay for every year of service and to get AFSCME to sign the side letter.

COLLECTIVE BARGAINING ILCS 120/2(c)(2)

ACM Espiritu updated Council on AFSCME contract negotiations. He also distributed a list of tentative changes, which included:

- Holidays – clarification
- Vacations – clarification
- Paid Leave (jury duty)
- Leaves of Absence without pay – clarification, becoming FMLA compliant
- Clothing Allowance – leave at \$550, but enforce the rule that requires employees to wear a shirt with a city logo
- Career Ladder & Promotions – 100% textbook reimbursement
- Labor Management meetings
- Termination – Would be a 3 year agreement

ACM Espiritu also advised that discussion had been centered on requiring new hires to live within a 7 ½ mile radius, but Chief Lowery advised that a residency requirement causes problems getting good telecommunicator candidates. He also said that there is a disparity in regards to pay of different police departments for telecommunicators.

Ald. Baker suggested making it the same as FOP. CA Frieders pointed out that telecommunicators are AFSCME, not FOP. Ald. Baker said he was not aware of that.

Ald. Naylor asked for a ratio of who lived within the 7 ½ miles, within the city, and within the 30 mile radius. ACM Espiritu said that he will get that for Council and present it at the next Closed Session meeting.

CM Gaura said that there are several options that staff could go with. Consensus was that staff would offer going back to the old square on the map for the residency requirement.

Council discussed health insurance and the consensus was to offer the catastrophic health insurance plan, and those that do not take it will be required to pay the "Cadillac tax".

ACM Espiritu advised that Council had previously approved that staff go up to 2% for wages, but AFSCME is asking for 2.5%. Consensus was to continue the discussion in two weeks, at that time ACM Espiritu will provide a detailed spreadsheet with wage figures for Council.

CM Gaura asked Council if anyone had questions about the FOP contact, since it was on the consent agenda at the regular meeting. No council members had questions.

ADJOURNMENT:

At 6.10 p.m., Ald. O'Leary moved to adjourn closed session; seconded by Ald. Snow. Motion carried by voice vote.

ELIZABETH BELROOM, City Clerk



Date Approved: June 23, 2014
Released: December 13, 2021

MINUTES
COMMITTEE OF THE WHOLE MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
JUNE 23, 2014

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on June 23, 2014, in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 5:07 p.m. Council members in attendance were Mayor John Rey, Alderman Bill Finucane, Alderman Kristin Lash, Alderman Bob Snow, Alderman Ron Naylor, Alderman Dave Baker, and Alderman Monica O'Leary. Absent: Alderman David Jacobson.

Also present were City Manager Anne Marie Gaura, Assistant City Manager Rudy Espiritu, City Attorney Dean Frieders and City Clerk Liz Peerboom.

PENDING LITIGATION 5 ILCS 120/2(c)(11)

Mr. Frieders updated Council on the following:

- Lewis Street property garage demolition – there were support issues with the apartment building located on the same property, after sidewalk removal. Building possibly will need to be demolished. Mr. Frieders advised that he will keep Council advised.
- Former Water Division Employees – Mr. Frieders advised that he has been contacted by an attorney about possible litigation. He advised that it could possibly be past the statute of limitations, but he will talk to the attorney and update the Council at a later date.

Ald. Jacobson arrived at 5:14 p.m. Ald. Lash left the meeting at 5:14 p.m.

PURCHASE OR LEASE OF REAL PROPERTY 5 ILCS 120/2(c)(6) (Released: July 8, 2019)

Ms. Gaura advised that there was an update regarding the Protano's property. She advised that staff has been in contact with DeKalb County about a possible land swap for Protano's, and the entrance to the shopping center that includes Walmart. She went on to say that an intergovernmental agreement would need to be drafted, but it would be at no cost to the city; maintenance of the entrance to the shopping center would then be taken care of by the City of DeKalb.

Ald. Lash returned to the meeting at 5:17 p.m.

Ms. Gaura advised that the property owners would need to sign an agreement to pay for maintenance, but it would be possible to form an SSA for this purpose. Ms. Gaura also advised

that the agreement would include the detention pond on the north side of the entrance road. Mr. Frieders advised that if 51% of the property owners object the city would be precluded from establishing the SSA.

Mr. Frieders also advised that Included in the agreement would be contracted snow plowing and maintenance. He also advised that doing an SSA with a third party would be a very involved process.

Consensus was to go forward with the intergovernmental agreement for the two properties.

PERSONNEL 5 ILCS 120/2(c)(1)

Mr. Frieders updated Council on AFSCME Voluntary Separation Agreements – continued discussion with the employees and AFSCME. AFSCME representative gave permission to speak directly with the employees. Mr. Frieders recommends approving the VSAs in open session.

Ms. Gaura advised that there were some staffing changes. She advised that Mary Jo Harms in the Legal Division now reports to Diane Wright. Ms. Gaura advised that Diane supervises four employees and is overwhelmed with both positions – City Manager's office and supervision of Clerks and Legal. As part of a succession planning, she is moving Ruth Scott to the City Manager's office and Diane will be moving to the Clerk's Office.

City Clerk Liz Peerboom asked if Diane would be losing pay; Ms. Gaura responded that Diane will not be losing pay. Mr. Frieders added that this is no reflection on Diane's performance.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2)

Mr. Espiritu updated Council on AFSCME negotiations. Mr. Espiritu distributed the cost analysis that didn't include the three building department employees. He advised that they have offered 2% COLA step increases for eight employees. He added that they have discussed health insurance and AFSCME has agreed to a voluntary catastrophic insurance plan. Effective 2015, \$3,500 single deductible, \$10,500 family deductible. He said that the City would offer an HRA account in the amount of \$4,000. He added that AFSCME agreed that if the employee doesn't take the catastrophic plan, the employee would pay an amount equal to the excise tax.

Mr. Espiritu discussed current and proposed premiums and what the savings would be.

Ald. Jacobson said that he feels that these premiums are too high, but Mr. Espiritu advised that AFSCME has agreed to this.

Mr. Espiritu asked Council if they would be willing to approve up to 2.25%, adding that he would like to close this before IAFF negotiation begins.

Ald. Jacobson asked for the total compensation numbers.

Council was not favorable to Mr. Espiritu's request. Mr. Espiritu will update the figures and get them to Council at the next closed session meeting.

Council discussed different plan options. After some discussion, consensus was to allow Mr. Espiritu to negotiate up to 2.25%. Ald. O'Leary advised that she was not in favor of longevity. Ald. Jacobson advised that he thought that a resident should be involved in negotiations.

ADJOURNMENT

Ald. Jacobson made a motion to return to open session, seconded by Ald. Lash. Motion carried by voice vote.

Council returned to open session at 6:31 p.m.



ELIZABETH PEERBOONE City Clerk

Approved: March 9, 2015
Partial Release: July 8, 2019
Full Release: December 13, 2021

MINUTES
COMMITTEE OF THE WHOLE MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
JULY 14, 2014

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on July 14, 2014, in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 5:06 p.m. Council members in attendance were Mayor John Rey, Alderman Bill Finucane, Alderman Kristin Lash, Alderman Bob Snow, Alderman Ron Naylor, Alderman Dave Baker, Alderman Monica O'Leary, and Alderman David Jacobson.

Also present were City Manager Anne Marie Gaura, Assistant City Manager Rudy Espiritu; City Attorney Dean Frieders and City Clerk Liz Peerboom.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2)

Mr. Espiritu gave an update on AFSCME negotiations since the last closed session meeting. He advised that negotiations have been successful and that they are down to the percentages, but they have a tentative agreement. Mr. Espiritu advised that staff will offer 2% for year 1 of the contract, 2% for year 2 of the contract and 2.25% for year 3 of the contract. Ms. Gaura advised that there are only 8 employees in the step system, so it is a very senior group. She also advised that the agreement should be coming before Council within the next month.

Ald. Naylor asked about the different staff members that work 7.5 hours per day and the employees that work 8 hours per day.

Mr. Espiritu advised that there will now be a uniform requirement for those that get a clothing allowance. Ald. Baker asked about having an official uniform. He was concerned that others could just go purchase a shirt that says City of DeKalb and show up at a resident's door. Mr. Espiritu advised that ID badges are also required.

Ald. Lash asked for clarification on the clothing allowance. Mr. Espiritu advised that the City will advise employees that they will order shirts 4 times a year and they employee will reimburse the City.

Ald. Snow asked about the termination clause.

Ms. Gaura advised that the goal is to bring this to open session at the August Council meeting, and asked if Council had any concerns.

Ald. Baker asked about IMRF pension costs. Mr. Espiritu advised that Council approved early retirement in the past and will be paying for that for ten years.

Mr. Frieders updated Council on an AFSCME grievance that was filed on June 30, 2014, regarding the termination of the Building Department employees. Mr. Frieders advised that staff will respond, but there were no terminations, all three employees signed Voluntary Separation Agreements.

Mr. Espiritu advised that he has scheduled a meeting to begin the process of negotiating with IAFF. Ms. Gaura advised that they will not present anything to IAFF until it has been presented to Council and staff has received direction from Council.

Ald. O'Leary asked how to regulate overtime. Ms. Gaura responded that she has been meeting with Fire Chief Hicks and has been advised that Chief Hicks is tracking the overtime. She also added that with the hiring of more fire fighters overtime has gone down, but now there is minimum manning to deal with.

Ald. Naylor asked when the contract expires; Ms. Gaura replied that it expired June 30 2014. Ald. Naylor also asked why there hasn't been negotiations before this. Ms. Gaura advised that staffing issues prohibited early negotiations. Ald. Naylor also had concerns about overtime.

Council discussed manning issues.

PERSONNEL 5 ILCS 120/2(c)(1)

Mr. Espiritu discussed Management COLA increases. He advised that Chapter 3 of the Municipal Code has a matrix for calculating COLA, and went over the matrix. He said that, based on the matrix, it appears COLA would be 1.3%, but Ms. Gaura advised that she has never seen a matrix like this used in any of the municipalities that she has worked. She also added that discussions will be held in the next six to seven months as part of the management compensation analysis.

Ald. Naylor asked about a chart with pay ranges on it. He also said that he wants the raises to be equitable for management as they are for the unions.

Ms. Gaura advised that although the term is "Management Employees," the reality is that these employees are part of a non-bargaining unit and are confidential employees.

Ald. Lash said that if you give raises to the union employees you should give management employees a raise. Ald. Finucane said that he thinks that Council should wait until the study comes back to give raises. Ald. Jacobson said that most management employees are making 50% more than union employees and they start out with a higher salary. Ald. Snow said that the starting salary is not a valid argument. Ald. Baker suggested waiting to get the results from the management study, but Ms. Gaura recommended not waiting.

Council discussed different amounts, and discussed what was budgeted/ Council also discussed bonuses. After some heated discussion, consensus was to go with 1.5% and vote on it at the July 28th Council meeting.

ADJOURNMENT

Ald. Lash made a motion to return to open session, seconded by Ald. O'Leary. Motion carried by voice vote.

Council returned to open session at 6:26 p.m.

The seal of the City of DeKalb, Illinois, is a circular emblem. It features a central shield with a plow and a sheaf of wheat, symbolizing agriculture. The shield is set against a background of a rising sun or a similar emblem. The words "CITY OF DEKALB" are inscribed in a circle around the top, and "STATE OF ILLINOIS" is inscribed around the bottom. The seal is positioned over a horizontal line that separates the text "ELIZABETH FERBOOD" from "City Clerk".

ELIZABETH FERBOOD, City Clerk

Approved: March 9, 2015
Released: December 13, 2021

**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
AUGUST 11, 2014**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on August 11, 2014, in the DeKalb Municipal Building, Room 212, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular City Council Meeting of the same day.

The closed session started at 6:16 p.m. City Clerk Liz Peerboom called the roll call and Council members in attendance were: Mayor John Rey, Alderman Bill Finucane, Alderman Kristin Lash, Alderman Bob Snow, Alderman Ron Naylor, and Alderman Jacobson. Absent: Alderman Dave Baker, and Alderman Monica O'Leary.

Also present were: City Manager, Anne Marie Gaura, City Attorney Dean Frieders, Police Chief Gene Lowery and City Clerk Liz Peerboom.

PERSONNEL 5 ILCS 120/2(c)(1)

City Manager Anne Marie Gaura advised that this discussion would be a follow-up to the telecommunicators discussion from the last closed session meeting.

Ald. Naylor advised that he had his questions answered, but that he had a more questions. Chief Lowery explained that he is requesting to covert the 4 part-time telecommunicator positions to 2 full-time positions, adding that he is concerned about public safety. Chief Lowery discussed the gains that this would be to the City of DeKalb through overtime reduction. He also advised that although overtime will never totally end, it would be approximately a 50% reduction in overtime, adding that compared to DeKalb County, the City of DeKalb is lean.

Ald. Jacobson asked how to fix the overtime problem. Chief Lowery advised that the department is staffed at minimum, and suggested doing a staff analysis, but implement the proposed change and then look at the staffing.

ADJOURNMENT

Ald. Lash moved to adjourn closed session, seconded by Ald. Finucane. Motion carried by voice vote.

Returned to open session at 6:31 p.m.



**MINUTES
REGULAR MEETING
CLOSED SESSION OF CITY COUNCIL
OF THE
CITY OF DEKALB
AUGUST 11, 2014**

The City Council of DeKalb, Illinois, held a closed session during the Regular Meeting on August 11, 2014, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Regular City Council Meeting of the same day.

The closed session started at 8:13 p.m. City Clerk Liz Peerboom called the roll call and Council members in attendance were: Mayor John Rey, Alderman Bill Finucane, Alderman Kristin Lash, Alderman Bob Snow, Alderman Ron Naylor, and Alderman Jacobson. Absent: Alderman Dave Baker, and Alderman Monica O'Leary.

Also present were: City Manager, Anne Marie Gaura, City Attorney Dean Frieders, and City Clerk Liz Peerboom.

PERSONNEL 5 ILCS 120/2(c)(1)

City Manager Anne Marie Gaura advised the Council that at the next closed session meeting they would be discussing a COLA increase for the City Manager.

City Manager Dean Frieders advised that Public Works Department employee Dale Swineheart was charged with DUI and child endangerment during a domestic dispute. The employee was given a 5 day suspension and allowed to use paid time off because of past practices. He added that in the future that will not be allowed. Mr. Frieders advised Council that in the next 12 months the employee will be required to report to his supervisor and the City of DeKalb reserves the right to test the employee and terminate employee loses his license.

ADJOURNMENT

Ald. Finucane moved to adjourn closed session, seconded by Ald. Lash. Motion carried by voice vote.

Returned to open session at 8:28 p.m.



MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
AUGUST 25, 2014

The City Council of DeKalb, Illinois, held a closed session during the Committee of the Whole Meeting on August 25, 2014, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The closed session was called by a majority vote of City Council at the Committee of the Whole Meeting of the same day.

The closed session started at 5:07 p.m. Council members in attendance were Alderman David Jacobson, Alderman Bill Finucane, Alderman Bob Snow, Alderman Ron Naylor, Alderman Dave Baker, Alderman Monica O'Leary, and Mayor John Rey. Absent at roll call were: Alderman Kristen Lash.

Also present were City Manager Anne Marie Gaura, Assistant City Manager Rudy Espiritu; City Attorney Dean Frieders, Human Resources Director Michelle Anderson, and City Clerk Liz Peerboom. Mr. Greg Kuhn of Sikich also joined this meeting.

PERSONNEL 5 ILCS 120/2(c)(1)

Assistant City Manager Rudy Espiritu provided an update on the ongoing pay and compensation study and introduced Mr. Greg Kuhn of Sikich.

Mr. Kuhn shared recommendations and spoke about the major steps and criteria involved.

Alderman Lash arrived at 5:14 p.m.

Mr. Kuhn answered questions from Council.

ADJOURNMENT

Alderman Jacobson motioned to return to open session, seconded by Alderman Lash. Motion carried by voice vote.

Council returned to open session at 5:51 p.m.

Approved: March 9, 2015
Released: July 8, 2019

ELIZABETH PEERBOOM City Clerk



MINUTES
CITY OF DEKALB
REGULAR MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
AUGUST 25, 2014

The City Council of DeKalb, Illinois, held an Executive Session meeting August 25, 2014 in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The Executive Session was called by a majority vote of City Council at the Regular meeting of the same day.

The Executive Session started at 9:42 p.m. Council members in attendance were Alderman David Jacobson, Alderman Bill Finucane, Alderman Kristen Lash, Alderman Bob Snow, Alderman Ron Naylor, Alderman Dave Baker, Alderman Monica O'Leary, and Mayor John Rey.

Also present were City Manager Anne Marie Gaura, Assistant City Manager Rudy Espiritu; City Attorney Dean Frieders, Police Chief Gene Lowery, Finance Director Cathy Haley, and City Clerk Liz Peerboom.

PERSONNEL 5 ILCS 120/2(c)(1)

Police Chief Lowery reported that Officer Jeremiah Wilson violated the off-duty code of conduct due to a possible domestic violence situation at his residence in June 2014.

Discussion ensued regarding the situation and Officer Wilson's ability to perform assigned duties.

Officer Wilson has asked for VSA including one week of pay for each year of service and health insurance until the end of the year.

After further discussion, the consensus appeared to be to move forward with the VSA request. If the request was not within staff spending authority, staff would bring the VSA for Council approval at a later date.

Police Chief Lowery left the meeting at 10:10 p.m.

Finance Director Haley stated she has issues with Ted Kozinski's ability as an Assistant Finance Director and suggested reclassifying his title to Accountant. Finance Director Haley further suggested freezing Mr. Kozinski's pay to the level that comes back from the pay analysis study.

Council stated they would like to come back to this issue.

Finance Director Haley left the meeting at 10:16 p.m.

City Attorney Frieders stated that Finance Director Haley has asked to opt out of the City's health

insurance, saving the City approximately \$20,000. City Attorney Frieders stated that Finance Director Haley would be asked to sign a waiver and provide proof of coverage. Finance Director Haley would be allowed the option to ask for health insurance coverage if her current status were to change.

No objections were noted and staff indicated that they would proceed forward within staff authority.

ADJOURNMENT

Alderman Jacobson motioned to return to open session, seconded by Alderman Lash. Motion carried by voice vote.

Council returned to open session at 10:20 p.m.

The seal of the City of DeKalb, Illinois, is a circular emblem. It features a central shield with a landscape scene, including a sun, a river, and a plow. The words "CITY OF DEKALB" are inscribed in a circle around the top, and "STATE OF ILLINOIS" is inscribed around the bottom. The name "ELIZABETH DEERBOOM" is printed across the center of the seal, and the title "City Clerk" is printed to the right of the seal.

ELIZABETH DEERBOOM City Clerk

Approved: March 9, 2015
Released: December 13, 2021

**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
EXECUTIVE SESSION OF THE CITY COUNCIL
SEPTEMBER 22, 2014**

The City Council of DeKalb, Illinois, held an executive session on September 22, 2014, in the DeKalb Municipal Building, 200 South Fourth Street, Room 201, DeKalb, Illinois. The executive session was called by a majority vote of the City Council at the Committee of the Whole meeting of the same day.

The executive session started at 5:18 p.m. Council members in attendance were: Mayor John Rey, Alderman Bill Finucane, Alderman Kristine Lash (arrived at 5:20 p.m.), Alderman Bob Snow, Alderman Ron Naylor, Alder Dave Baker, and Alderman Monica O'Leary. Alderman Dave Jacobson was absent.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Rudy Espiritu, City Attorney Dean Frieders, City Planner Derek Hiland, and Deputy Clerk Ruth Scott.

SALE OF PROPERTY (5 ILCS 120/2(c)(6))

City Manager Gaura stated the City has been working with a developer interested in purchasing property the City owns and then turned the meeting over to City Planner Hiland to provide information and answer questions from Council regarding this issue.

Mr. Hiland stated a developer has approached staff regarding City owned property at the corner of First Street and Locust. The developer has a potential tenant for the property, the Thai Pavilion. The owner of the Thai Pavilion is currently working with Steve Irving, owner of Irving Construction and both the developer and business owner have ideas on maximizing the property.

Alderman Lash arrived to the meeting at 5:20 p.m.

Mr. Hiland showed Council and staff a photo of an idea the developer and owner have for the property.

Alderman Baker raised issue with the lack of parking in the downtown area, specifically behind the Egyptian Theater.

City Attorney Frieders stated that selling the City owned property was the current issue. The City as owner has a degree of control for the site. The developer wants to add an attractive building to the downtown area and has a funding source that will pay.

There was another brief discussion regarding lack of parking in the downtown area and the impact upon the property's sale.

Alderman Naylor stated that having a structure at the proposed site that would be aesthetically pleasing would be a great addition to the downtown area. Alderman Naylor further stated he's not as concerned about parking as Alderman Baker. He feels there's plenty of parking downtown and wants to see more shopping and businesses in the area.

Alderman Lash stated that residents expect to be able to park in front of the business they want to go in to. If they can't find such parking, they state there's no parking. Alderman Lash concurred with Alderman Baker that there should be more parking for the Egyptian Theater, which would impact sale or use of this property.

Ms. Gaura stated that staff was looking for direction from Council on the sale of the proposed site and asked if they were receptive to selling the property in question. If so, staff will go back to the developer and return with additional information at a later date. Staff will also address the parking issue.

Council consensus appeared to be to move forward in selling the property and to bring back an action item for consideration in open session.

Mr. Hiland left the meeting at 5:45 p.m.

PERSONNEL (5 ILCS 120/2(c)(1))

1. Resignation of Assistant City Manager Rudy Espiritu

Assistant City Manager Espiritu announced he had tendered his letter of resignation to City Manager Gaura; his last day will be October 3, 2014. Mr. Espiritu stated he had accepted a position with the City of Hiland Park as their Deputy City Manager. Mr. Espiritu stated he appreciated his time with the City of DeKalb and the experience it has given him.

Ms. Gaura stated a press release would be sent out this week regarding Mr. Espiritu's resignation.

2. Assistant Finance Director Position

City Manager Gaura stated advertising for the position of Assistant Finance Director is ongoing. The goal of hiring an Assistant Finance Director was to change the structure of the Finance Department. The Assistant Finance Director will run the Finance Department while the Finance Director will oversee the overall operation.

Ms. Gaura stated that after posting the role, staff realized that the salary range listed wasn't competitive with similar communities. Further, at the close of the first posting, the posted role only received 20 resumes. Midway through the posting, Ms. Gaura consulted with City Attorney Frieders and began advertising the role at a higher pay range.

Ms. Gaura recommended moving the pay rate of the Assistant Finance Director from a grade seven to a grade eight.

There was a brief discussion about keeping the Assistant Finance Director pay rate at a grade seven but moving it up higher in the steps. After the discussion, Alderman Naylor recommended moving the Assistant Finance Director role to a grade eight.

SELECTION OF A PERSON TO FILL A PUBLIC OFFICE (5 ILCS 120/2(c)(3))

(Released: July 8, 2019)

Alderman Finucane asked for an update on City Clerk Elizabeth Peerboom's recent resignation via email.

City Manager Gaura gave Council a brief summary of the timeline of Ms. Peerboom's resignation and read the email she received from Ms. Peerboom at 2:43 p.m. on September 19, 2014, in which Ms. Peerboom asked what changes would be made in the Clerk's Office now that Executive Assistant/Deputy Clerk Diane Wright had resigned. Ms. Gaura then read the reply she sent Ms. Peerboom regarding that email stating Economic Development Coordinator Jennifer Diedrich would temporarily oversee the Clerk's Office staff until another full-time Deputy Clerk could be hired.

Ms. Gaura further explained to Council that Administrative Associate/Deputy Clerk Tammey Higgins would oversee FOIA requests, and Administrative Associate/Deputy Clerk Ruth Scott would take minutes at the Council meetings and Executive Session meetings. Ms. Gaura further stated that staff was looking into a better way of making licensing less time consuming.

Mayor Rey read Ms. Peerboom's resignation email she sent to him at 2:35 p.m. on September 19, 2014.

There was a discussion regarding the legitimacy of Ms. Peerboom's resignation. City Attorney Frieders stated Ms. Peerboom's resignation was pending until the city received a signed notarized letter of resignation from her.

Mr. Frieders stated he spoke with Ms. Peerboom late on Friday, September 19, 2014, and explained to her that a signed notarized resignation was needed.

On Sunday, September 21, 2014, Mr. Frieders spoke to Ms. Peerboom again and she stated she wasn't going to resign her role of City Clerk.

On Monday, September 22, 2014, Mr. Frieders spoke to Ms. Peerboom again and she stated she would be resigning her role of City Clerk due to medical issues.

Mr. Frieders further stated that what Ms. Peerboom had done was considered an abandonment of office.

PENDING OR IMMINENT LITIGATION (5 ILCS 120/2(C)(11))

Not discussed at this meeting.

COLLECTIVE BARGAINING (5 ILCS 120/2(C)(2))

Not discussed at this meeting.

ADJOURNMENT

Alderman Snow moved to adjourn the executive session; seconded by Alderman Lash. Motion carried on a voice vote. The executive session adjourned at 6:12 p.m.

RUTH A. SCOTT
Deputy City Clerk



Approved: March 9, 2015
Partial Release: July 8, 2019
Full Release: March 22, 2021

**MINUTES
CITY OF DEKALB
REGULAR MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
SEPTEMBER 22, 2014**

The City Council of DeKalb, Illinois, held an executive session on September 22, 2014, in the DeKalb Municipal Building, 200 South Fourth Street, Room 201, DeKalb, Illinois. The executive session was called by a majority vote of the City Council at the Regular Meeting of the same day.

The executive session started at 7:42 p.m. Council members in attendance were: Mayor John Rey, Alderman Bill Finucane, Alderman Kristine Lash, Alderman Bob Snow, Alderman Ron Naylor, Alder Dave Baker, and Alderman Monica O'Leary. Alderman Dave Jacobson was absent.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Rudy Espiritu, City Attorney Dean Frieders, and Deputy Clerk Ruth Scott.

PENDING OR IMMINENT LITIGATION (5 ILCS 120/2(c)(11))

City Attorney Dean Frieders stated Firefighter Wilcox was completing his required workout session on March 10, 2013, when he injured his right shoulder while favoring an already existing hernia. The surgery to repair the shoulder was complicated but had good recovery.

Mr. Frieders recommended a settlement of \$51,000 to \$52,000. Mr. Frieders further stated that once settled, the City would not pay for any other treatment.

Alderman Naylor asked if there were still reports available on the dollar amounts of settlements. Mr. Frieders said he would look into it.

PERSONNEL (5 ILCS 120/2(c)(1) (Released: July 8, 2019))

Mr. Frieders stated that under the term of City Manager Gaura's employment agreement, there was a provision to review her base salary equal to the COLA adjustment of other employees. Further, the City should have conducted a review Ms. Gaura's salary on July 1, 2014. Mr. Frieders read Section 3 of Ms. Gaura's employment agreement.

Alderman Naylor asked Ms. Gaura how her evaluation was conducted in her past tenure and if she had a format for Council to utilize.

Alderman Lash stated that in the past, alderman used an evaluation form that was confusing; receiving a form more specific to what the City Manager does on a daily basis would be helpful. Ms. Gaura stated that in the agreement with Sikich, there was potential to ask them to develop a tool to assist Council with evaluating the City Manager position. Ms. Gaura further stated she would ask Sikich to put something together and added such a tool would help her in her role as City Manager.

Ms. Gaura left the meeting at 8:10 p.m. so Council could discuss her receiving a COLA increase.

Mayor Rey stated Ms. Gaura is working much more diligently than past City Managers. There was a brief discussion regarding Ms. Gaura's current performance.

All Council members present were in favor of Ms. Gaura receiving a 1.5 percent COLA increase, retroactive to July 1, 2014.

SALE OF PROPERTY (5 ILCS 120/2(c)(6))

Not discussed at this meeting.

COLLECTIVE BARGAINING (5 ILCS 120/2(c)(2))

Not discussed at this meeting.

SELECTION OF A PERSON TO FILL A PUBLIC OFFICE (5 ILCS 120/2(c)(3))

Not discussed at this meeting.

ADJOURNMENT

Alderman Lash moved to adjourn the executive session; seconded by Alderman Finucane.
Motion carried on a voice vote. The closed session adjourned at 8:25 p.m.

RUTH A. SCOTT
Deputy City Clerk



Approved: March 9, 2015
Partial Release: July 8, 2019
Full Release: March 22, 2021

MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
OCTOBER 13, 2014

The City Council of DeKalb, Illinois, held an Executive Session on October 13, 2014 in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The Executive Session was called by a majority vote of the City Council at the Committee of the Whole meeting of the same day.

The Executive Session started at 5:57 p.m. Council members in attendance were: Alderman Jacobson, Alderman Finucane, Alderman Lash, Alderman Snow, Alderman Naylor, Alderman Baker, Alderman Monica O'Leary, and Mayor Rey.

Also present were: City Manager Anne Marie Gaura, City Attorney Dean Frieders, Fire Chief Eric Hicks, and Deputy Clerk Ruth Scott.

PERSONNEL 5 ILCS 120/2(c)(1)

Not discussed at this meeting.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2)

Fire Chief Hicks provided an overview of the ongoing Interest Based Bargaining (IBB) discussions with the Fire Union.

PERSON TO FILL AN OFFICE 5 ILCS 120/2(c)(3)

City Attorney Frieders updated Council on the status of filling the City Clerk role recently vacated by Elizabeth Peerboom.

PENDING OR IMMINENT LITIGATION 5 ILCS 120/2(c)(11)

Not discussed at this meeting.

ADJOURNMENT

Alderman Jacobson motioned to return to open session, seconded by Alderman Finucane. Motion carried on a voice vote.

Council returned to open session at 6:08 p.m.



MINUTES
CITY OF DEKALB
REGULAR MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
OCTOBER 13, 2014

The City Council of DeKalb, Illinois, held an Executive Session on October 13, 2014 in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The Executive Session was called by a majority vote of the City Council at the Regular meeting of the same day.

The Executive Session started at 6:38 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Kristen Lash, Alderman Bob Snow, Alderman Ron Naylor, Alderman Dave Baker, Alderman Monica O'Leary, and Mayor John Rey.

Also present were: City Manager Anne Marie Gaura, City Attorney Dean Frieders, Fire Chief Eric Hicks, and Deputy Clerk Ruth Scott.

PERSONNEL 5 ILCS 120/2(c)(1)

Not discussed at this meeting.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2)

Fire Chief Hicks provided further information regarding Interest Based Bargaining (IBB) discussions with the Fire Union. Fire Chief Hicks stated the discussions were going well. A lengthy discussion ensued.

PERSON TO FILL AN OFFICE 5 ILCS 120/2(c)(3)

Not discussed at this meeting.

PENDING OR IMMINENT LITIGATION 5 ILCS 120/2(c)(11)

Not discussed at this meeting.

ADJOURNMENT

Alderman Naylor motioned to return to open session, seconded by Alderman Lash. Motion carried on a voice vote.

Council returned to open session at 8:25 p.m.


RUTH A. SCOTT Deputy City Clerk


MINUTES

CITY OF DEKALB

COMMITTEE OF THE WHOLE MEETING

EXECUTIVE SESSION OF THE CITY COUNCIL

OCTOBER 27, 2014

The City Council of DeKalb, Illinois, held an Executive Session on October 27, 2014 in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The Executive Session was called by a majority vote of the City Council at the Committee of the Whole meeting of the same day.

The Executive Session started at 5:43 p.m. Council members in attendance were: Alderman Jacobson, Alderman Finucane, Alderman Lash, Alderman Snow, Alderman Naylor, Alderman Baker, Alderman Monica O'Leary, and Mayor Rey.

Also present were: City Manager Anne Marie Gaura, City Attorney Dean Frieders, Fire Chief Eric Hicks, Finance Director Cathy Haley, and Deputy Clerk Ruth Scott.

PERSONNEL 5 ILCS 120/2(c)(1)

City Manager Gaura explained to Council that a recent discovery by the Finance Department needed to be discussed and turned the meeting over to Finance Director Haley.

Finance Director Haley stated software installed in January 2013 was set-up incorrectly. As such, the amount of FICA dollars paid from the employee contribution retirement plan were being calculated incorrectly. The error has been corrected without undue burden to employees affected and the City will rectify and pay their allotted portion.

A discussion ensued, specifically regarding the City's responsibility to the employees affected. Alderman Snow suggested Finance Director Haley contact the IRS to find out what else needed to be done on behalf of the employees.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2)

Not discussed at this meeting.

PENDING OR IMMINENT LITIGATION 5 ILCS 120/2(c)(11)

Not discussed at this meeting.

ADJOURNMENT

Alderman O'Leary motioned to return to open session, seconded by Alderman Snow. Motion carried on a voice vote.

Council returned to open session at 5:59 p.m.

RUTH A. SCOTT Deputy City Clerk



MINUTES
CITY OF DEKALB
REGULAR MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
OCTOBER 27, 2014

The City Council of DeKalb, Illinois, held an Executive Session on October 27, 2014 in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The Executive Session was called by a majority vote of the City Council at the Regular meeting of the same day.

The Executive Session started at 7:41 p.m. Council members in attendance were: Alderman Finucane, Alderman Lash, Alderman Snow, Alderman Naylor, Alderman Baker, Alderman Monica O'Leary, and Mayor Rey. Absent at roll call were: Alderman Jacobson (arrived at 7:52 p.m.).

Also present were: City Manager Anne Marie Gaura, City Attorney Dean Frieders, Fire Chief Eric Hicks, Finance Director Cathy Haley, and Deputy Clerk Ruth Scott.

PERSONNEL 5 ILCS 120/2(c)(1)

Finance Director Haley reported that the Assistant Finance Director position was close to being filled. An offer was being made today and she hoped to have everything finalized by the end of the week.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2)

Fire Chief Hicks discussed ongoing Interest Based Bargaining (IBB) discussions with the Fire Union. Current discussions are related to the collective bargaining aspects of commercial building inspections being conducted by on-duty fire fighters.

PENDING OR IMMINENT LITIGATION 5 ILCS 120/2(c)(11)

Not discussed at this meeting.

ADJOURNMENT

Alderman O'Leary motioned to return to open session, seconded by Alderman Snow. Motion carried on a voice vote.

Council returned to open session at 8:27 p.m.



**MINUTES
CITY OF DEKALB
REGULAR
EXECUTIVE SESSION OF THE CITY COUNCIL
NOVEMBER 10, 2014**

The City Council of DeKalb, Illinois, held an Executive Session on November 10, 2014, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The Executive Session was called by a majority vote of the City Council at the Regular meeting of the same day.

The Executive Session started at 8:01 p.m. Council members in attendance were: Alderman Jacobson, Alderman Finucane, Alderman Snow, Alderman Naylor, Alderman Baker, Alderman Monica O'Leary, and Mayor Rey. Absent at roll call were: Alderman Lash.

Also present were: City Manager Anne Marie Gaura, City Attorney Dean Frieders, Fire Chief Eric Hicks, Finance Director Cathy Haley, and Deputy Clerk Ruth Scott.

PERSONNEL 5 ILCS 120/2(c)(1)

Not discussed at this meeting.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2) (Released: July 8, 2019)

Fire Chief Hicks provided an update of the ongoing Interest Based Bargaining (IBB) discussions with the Fire Union.

PENDING OR IMMINENT LITIGATION 5 ILCS 120/2(c)(11)

Finance Director Haley reported to Council that fraudulent activity is being investigated regarding the City's investments with IMET. The fraudulent activity is alleged to have occurred on a project that IMET invested in and does not include wrongdoing by the City.

ADJOURNMENT

Alderman Finucane motioned to return to open session, seconded by Alderman Naylor. Motion carried on a voice vote.

Council returned to open session at 8:26 p.m.

RUTH A. SCOTT
Deputy City Clerk



Approved: March 9, 2015
Partial Release: July 8, 2019
Full Release: March 22, 2021

**MINUTES
CITY OF DEKALB
REGULAR MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
DECEMBER 8, 2014**

The City Council of DeKalb, Illinois, held an Executive Session on December 8, 2014, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The Executive Session was called by a majority vote of the City Council at the Regular Meeting of the same day.

The executive session started at 8:10 p.m. Council members in attendance were: Alderman Jacobson, Alderman Finucane, Alderman Lash, Alderman Snow, Alderman Baker, and Alderman Monica O'Leary, and Mayor Rey. Absent at roll call were: Alderman Jacobson (arrived at 8:22 p.m.) and Alderman Naylor.

Also present were: City Manager Anne Marie Gaura, City Attorney Dean Frieders, Principal Planner Derek Hiland, and Deputy Clerk Ruth Scott.

COLLECTIVE BARGAINING 5 ILCS 120/2(C)(2) *(Released: July 8, 2019)*

City Manager Gaura followed up on negotiations with the Fire Fighters Union. The next meeting with the union will be held on December 12, 2014, in order to discuss their economic issues.

PENDING OR IMMINENT LITIGATION 5 ILCS 120/2(C)(11)

City Attorney Frieders reported on a lawsuit filed regarding a fall on property owned by Mason Properties. Allegedly the fall was due to a depression because of a failing water line. At this point it is unclear who is responsible although it is unlikely the City will be involved.

City Attorney Frieders reported that the judge has ordered demolition on a Miskin property. The City will move forward expeditiously. Another Miskin property located on Market Street is due to go to trial in February 2015. City Attorney Frieders noted that Ms. Miskin has made significant improvements to the property she resides in.

PERSONNEL 5 ILCS 120/2(C)(1)

Not discussed at this meeting.

PURCHASE OR LEASE OF REAL PROPERTY 5 ILCS 120/2(C)(5)

Principal Planner Hiland provided an update on the Protano property. Principal Planner Hiland stated the property is ready to be deeded over to the City. City staff are working with the County on a drafted agreement. Once reviewed, it will take approximately 60 days to receive the deed.

Principal Planner Hiland briefly discussed the DeKalb Market Square property.

Mayor Rey stated he received a call regarding a property located at 622 W. Lincoln Highway. The property contains a single-family residence, and the owner states it is going into foreclosure.

Alderman Jacobson arrived at 8:21 p.m.

A discussion ensued regarding the property's market value and the possibility of the City purchasing it.

City Manager Gaura stated if purchased, the property could be of great value to the Police Department, specifically with overflow parking and the possibility of building a firing range in the future.

Council consensus appeared to be in favor of moving forward with getting an appraisal on the property and negotiating the lowest price possible. Such action was within staff spending authority and would be considered.

ADJOURNMENT

Alderman Lash motioned to return to open session, seconded by Alderman Jacobson. Motion carried on a voice vote.

Council returned to open session at 8:38 p.m.

RUTH A. SCOTT
Deputy City Clerk



Approved: March 9, 2015
Partial Release: July 8, 2019
Full Release: March 22, 2021



EXECUTIVE-CLOSED SESSION MINUTES INDEX

2015		Recommendation for Release	
		Yes	No
January 12, 2015 (Regular) Approved: March 9, 2015	Pending or Imminent Litigation	Released: January 25, 2016	
	Personnel	X	
	Purchase or Lease of Real Property	Released: July 8, 2019	
February 23, 2015 (COW) Approved: August 24, 2015	Personnel	X	
February 23, 2015 (Regular) Approved: August 24, 2015	Collective Bargaining	X	
	Executive/Closed Session Minutes Review	Released: March 22, 2021	
	Pending or Imminent Litigation		
March 9, 2015 (COW) Approved: August 24, 2015	Collective Bargaining	Released: July 8, 2019	
	Personnel	X	
March 12, 2015 (Special) Approved: August 24, 2015	Personnel	X	
March 23, 2015 (COW) Approved: August 25, 2015	Personnel	X	
March 23, 2015 (Regular) Approved: August 24, 2015	Collective Bargaining	X	
	Personnel	X	
April 13, 2015 (COW) Approved: August 24, 2015	Pending or Imminent Litigation	X	
	Personnel	X	
April 13, 2015 (Regular) Approved: August 24, 2015	Collective Bargaining	X	
	Pending or Imminent Litigation	X	
	Personnel	X	
	Worker's Compensation	Released: March 22, 2021	
April 27, 2015 (Regular) Approved: August 24, 2015	Collective Bargaining	X	
	Personnel	X	
May 11, 2015 (COW) Approved: August 24, 2015	Pending or Imminent Litigation	Released: March 22, 2021	
	Personnel		
May 26, 2015 (COW) Approved: August 25, 2015	Pending or Imminent Litigation	Released: March 22, 2021	
	Personnel	Released: July 8, 2019	
	Purchase or Lease of Real Property	Released: March 22, 2021	
May 26, 2015 (Regular) Approved: August 24, 2015	Personnel	Released: March 22, 2021	
	Purchase or Lease of Real Property	Released: July 8, 2019	
June 8, 2015 (COW) Approved: August 24, 2015	Purchase or Lease of Real Property	Released: March 22, 2021	
June 22, 2015 (COW) Approved: August 24, 2015	Pending or Imminent Litigation	Released: March 22, 2021	
	Purchase or Lease of Real Property		
August 10, 2015 (COW) Approved: January 25, 2016	Executive/Closed Session Minutes Review	Released: July 8, 2019	
	Pending or Imminent Litigation	Released: July 8, 2019	
	Personnel	Released: July 8, 2019	
September 14, 2015 (COW) Approved: January 25, 2016	Pending or Imminent Litigation	Released: July 8, 2019	
September 28, 2015 (Regular) Approved: January 25, 2016	Collective Bargaining	X	
	Personnel	X	
October 12, 2015 (COW)	Collective Bargaining	X	



EXECUTIVE-CLOSED SESSION MINUTES INDEX

2015		Recommendation for Release	
		Yes	No
Approved: January 25, 2016	Pending or Imminent Litigation	Released: March 22, 2021	
	Personnel	Released: July 8, 2019	
October 26, 2015 (COW) Approved: January 25, 2016	Pending or Imminent Litigation	Released: March 22, 2021	
	Personnel	Released: July 8, 2019	
November 23, 2015 (Regular) Approved: January 25, 2016	Personnel	Released: March 22, 2021	
December 14, 2015 (COW) Approved: January 9, 2017	Executive Session Minute Review	Released: July 8, 2019	
	Personnel	Released: March 22, 2021	

Audio recordings of the 2015 Executive Session meetings destroyed August 9, 2019, as per Resolution 2019-110.

**MINUTES
CITY OF DEKALB
REGULAR MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
JANUARY 12, 2015**

The City Council of DeKalb, Illinois, held an Executive Session on January 12, 2015, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The Executive Session was called by a majority vote of the City Council at the Regular Meeting of the same day.

The executive session started at 8:33 p.m. Council members in attendance were Alderman Finucane, Alderman Lash, Alderman Snow, Alderman Naylor, Alderman O'Leary, and Mayor John Rey. Absent at roll call were: Alderman Jacobson (arrived at 8:35 p.m.), and Alderman Baker.

Also present were City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Police Chief Gene Lowery, Community Development Director Ellen Divita, Communications Coordinator Latoya Marz, and Deputy City Clerk Ruth Scott.

PERSONNEL (5 ILCS 120/2(c)(1))

Police Chief Lowery provided an update on the Telecommunications portion of the Police Department stating hiring of Telecommunicators is at a critical point.

Alderman Jacobson arrived at 8:35 p.m.

Police Chief Lowery gave an overview of the number of 911 calls received stating the City's Telecommunications division receives just as many, if not more, calls to 911 as the DeKalb County Sheriff's Department but with a lot less staff.

Communications Coordinator Marz provide Council with a memo with the highlights of 911 calls over the last year.

Alderman Lash left the room at 8:37 p.m.

Currently the Telecommunications Center is working with minimal staff. Currently three staff members are working in a 16-hour time period, sometimes not getting to take a break or eating in the doorway as to not leave their coworkers alone. The telecommunications area is not adequately staffed to meet the needs of the citizens and Police Officers on duty.

Alderman Lash returned at 8:41 p.m.

A discussion ensued regarding the current duties of the Telecommunicators such as the inputting of parking tickets and the processing of sex offenders.

Alderman Snow suggested entering into a cooperative agreement with the Northern Illinois University Police Department. Police Chief Lowery replied that bringing someone in who's not familiar with the City's policies and procedures is a tremendous liability.

A discussion ensued regarding the amount of time it takes to hire an employee. This is a hard position to fill due to the high stress level.

Police Chief Lowery stated the Police Department originally asked for four additional part time employees to fill in the gaps. However, further review indicates part time staff will not cover all the hours needed and overtime pay will be exorbitant.

Alderman Jacobson suggested hiring a part time clerical person to process paperwork. A discussion ensued. Communications Coordinator Marz stated some of the paperwork entered into the CAD system requires a State Leads License.

Police Chief Lower stated the money to hire additional staff has already been set aside. However, due to staffing issues, it is necessary to move in a different direction than previously expected.

After further discussion, no objections were raised. Staff indicated they would proceed forward within staff authority.

Police Chief Lower commended Communications Coordinator Marz on her hard work and commitment to the Police Department and the staff she supervises.

Communications Coordinator Marz left the meeting at 8:55 p.m.

PURCHASE OR LEASE OF REAL PROPERTY (5 ILCS 120/2(c)(5) (Released: July 8, 2019)

Community Development Director Divita reviewed the results of the appraisal for the property located at 622 W. Lincoln Highway, stating the property is valued at \$52,000.

City Manager Gaura reiterated her statements from a previous meeting stating the purchase of this property would allow the City to move forward with additional parking or a firing range in the future. Police Chief Lowery concurred. A discussion regarding the need for additional parking ensued.

There was a brief discussion regarding the cost of the property. Council consensus appeared to support moving forward with the purchase of the property, not to exceed

\$65,000. The City Attorney indicated that any action to authorize the purchase would require action at an open meeting.

Police Chief Lowery and Community Development Director Divita left the meeting at 9:04 p.m.

Council briefly discussed demolition costs of the structure currently on the property.

PENDING OR IMMINENT LITIGATION (5 ILCS 120/2(c)(11))

Two items were discussed under this article.

1. City Attorney Frieders provide a brief overview of the case concerning former employees Dirks and Carlson who were dismissed after being caught garbage picking.

The following section was released on January 25, 2016:

2. City Attorney Frieders reported to Council that the Department of Justice contacted the City regarding the City's employment application which asks the applicant to disclose any disabilities. The Department of Justice has requested a myriad of documents of which the City has complied.

City Attorney Frieders also reported that the Department of Justice has sited the City for the website not being ADA compliant and gave an overview of what standards are needed to bring the website to compliance.

After discussions with the Department of Justice, they have agreed to extend the City 150 days to update the website making it accessible to persons with disabilities.

Alderman Lash asked how extensive the updates needed to be. City Manager Gaura replied the website needs a complete overhaul and stated the City doesn't have the resources to make the changes in house.

A discussion ensued regarding the website and the timeline the City has to complete the necessary changes.

ADDITIONAL ITEMS DISCUSSED

City Manager Gaura reported to Council that she will be moving into DeKalb next week.

Alderman Naylor inquired into the feral cat issue that was mentioned in the City Manager's notes of January 9, 2015. City Attorney Frieders replied that the City is working with an agency interested in keeping them safe and gave an overview of the situation at hand.

Alderman Naylor and City Attorney Frieders had a brief discussion regarding the Protano property.

Alderman Naylor and City Attorney Frieders had a brief discussion regarding the Chilton's store front. City Attorney Frieders stated there is potential for litigation due to code violations due to roof tiles falling onto the sidewalk. Chilton's owners are hiring an architect and will proceed with repair. In the short term, the City has erected scaffolding to prevent injury to pedestrians.

Alderman Finucane asked for an update on the Interested Based Bargaining discussions with the Fire Fighter's Union. City Attorney Frieders stated that this topic is not on the agenda and therefore cannot be discussed.

ADJOURNMENT

Alderman Lash motioned to return to open session, seconded by Alderman O'Leary. Motion carried on a voice vote.

Council returned to open session at 9:27 p.m.


RUTH A. SCOTT Deputy City Clerk


Date Approved: March 9, 2015
Partial Release: January 25, 2016
Partial Release: July 8, 2019
Full Release: December 13, 2021

**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
EXECUTIVE SESSION OF THE CITY COUNCIL
FEBRUARY 23, 2015**

The City Council of DeKalb, Illinois, held an Executive Session on February 23, 2015 in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Committee of the Whole Meeting of the same day.

The session started at 5:11 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Kristin Lash, Alderman Bob Snow, Alderman Dave Baker, and Mayor John Rey. Council members absent at roll call were: Alderman Ron Naylor and Alderman Monica O'Leary (arrived at 6:04 p.m.)

Also present were City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Police Chief Gene Lowery, Finance Director Cathy Haley, Fire Chief Eric Hicks and City Clerk Marcia Sweigert. Labor Attorney Ben Gehrt was also in attendance.

PERSONNEL – 5 ILCS 120/2(c)(1)

City Manager Gaura stated that the City hired Sikich to evaluate City employees pay and benefits. The City received two perspectives on the Fair Labor and Standards Act (FLSA), one from Sikich and one from Labor Attorney Gehrt as it pertains to non-exempt and exempt employees.

Assistant City Manager Hoppenstedt provided an overview, stating there is a disparity between the pay increases of bargaining and non-bargaining unit employees that needs to be addressed and corrected. The Fire and Police Departments have compression issues, with bargaining employees making more than their non-bargaining supervisors.

Fire Chief Hicks stated there are supervisors getting paid less than their employees, creating the issue of employees not wanted to be promoted. Police Chief Lowery stated he has experienced the same issue and added that the City needs to address it with a mechanism that will bridge the gap.

City Manager Gaura stated the City needs to address staffing and structural issues in Police, Fire and Public Works. Assistant City Manager Hoppenstedt added that structural changes are also needed in Human Resources and Information Technology. Assistant City Manager Hoppenstedt also stated that City staff aren't trained in ADA issues, something pointed out by the Department of Justice.

Police Chief Lowery and City Manager Gaura stated that new technology is needed as it relates to Police, especially in creating an answering tree.

Labor Attorney Gehrt elaborated on FLSA, stating overtime needs to be paid whenever an employee works over 40 hours a week unless the employee is exempt from the overtime portion of the act. However, properly classifying employees in exempt versus non-exempt status is

difficult. Mr. Gehrt provided examples of exempt and non-exempt employees.

There was discussion regarding the City's exempt employees where the City fell victim to FLSA. In past practice, the City made positions that were non-union salaried or exempt. Job descriptions were reviewed and it was found that some positions were misclassified and should be non-exempt. The City needs to pay time-and-a-half for work over 40 hours per week to non-exempt employees, otherwise punitive damages will be incurred. Mr. Gehrt recommended evaluation and reclassification of certain positions. City Manager Gaura stated that the Finance Department was in the process of evaluating which employees have been misclassified.

Assistant City Manager Hoppenstedt gave a brief overview of grievance arbitration stating that AFSCME has filed a grievance because of subcontracting. At this time, union attorneys are willing to entertain a settlement. The City will need to provide AFSCME with a 30 day advance notice prior to out-sourcing, meeting together during that period. Labor Attorney Gehrt added that a settlement is better than going to arbitration.

City Attorney Frieders stated the City is coming into compliance with the Department of Justice by training in ADA. The Department of Justice has approved Assistant City Manager Hoppenstedt as a Compliance Officer, along with approving the website update.

Alderman O'Leary arrived at 6:04 p.m.

Alderman Baker stated that if the City had outsourced Human Resources, it wouldn't have the problems it has now. Alderman Baker added that evaluations need to address problems. Assistant City Manager Hoppenstedt stated that employees will be evaluated on their competencies.

City Manager Gaura discussed changing the process in order to bring Council up to speed on the Executive Session meetings missed.

ADJOURNMENT

Alderman Finucane moved to adjourn the Executive Session; seconded by Alderman Snow. Motion carried on a voice vote. The Executive Session adjourned at 6:16 p.m.



**MINUTES
CITY OF DEKALB REGULAR MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
FEBRUARY 23, 2015**

The City Council of DeKalb, Illinois held an Executive Session on February 23, 2015 in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Regular meeting of the same day.

The session started at 7:55 p.m. Council members in attendance were: Alderman Bill Finucane, Alderman Kristine Lash, Alderman Bob Snow, Alderman Dave Baker, Alderman Monica O'Leary and Mayor John Rey. The following members of City Council were absent at roll call: Alderman Dave Jacobson (arrived at 7:57 p.m.) and Alderman Ron Naylor.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Fire Chief Eric Hicks and City Clerk Marcia Sweigert. Also in attendance was Labor Attorney Ben Gehrt.

COLLECTIVE BARGAINING – 5 ILCS 120/2(c)(2)

Assistant City Manager Hoppenstedt stated the International Association of Fire Fighters (IAFF) was engaged in collective bargaining with the City. City staff met with IAFF today and received a package proposal.

Alderman Jacobson arrived at 7:57 p.m.

Labor Attorney Gehrt provided an overview of the proposal received from IAFF that addressed wages, health insurance, organizational issues, FMLA, training and education, sick leave accrual, recall (to the fire station), and a probationary period upon promotion. Labor Attorney Gehrt stated the IAFF wants a four year contract and a four year wage increase of 2.75 percent each year which he thinks is a reasonable offer.

Labor Attorney Gehrt stated the City has the right to go into binding interest arbitration with IAFF adding that some arbitrators place heavy reliance on cost of living figures; signs are pointing toward an increase of 2.5 percent.

City Manager Gaura and Labor Attorney Gehrt asked for direction from Council on the maximum they can use to negotiate. Both added that if an agreement isn't reached, it will go into arbitration which will cost the City thousands of dollars.

Alderman Jacobson and Alderman Lash stated they wanted to look at the total compensation with benefits. City Manager Gaura stated the information can be provided, however, at this time wages are on the bargaining table. Labor Attorney Gehrt stated that health and pension costs are argued to the arbitrators adding it would be challenging to go to less than a 2.5 percent increase in wages.

Assistant City Manager Hoppenstedt said the City was planning on starting with an offer of a 2 percent wage increase each year over the next three years. Labor Attorney Gehrt agreed with starting with that offer along with discussing other issues adding that he thinks the IAFF will deadlock at a 2.25 percent wage increase. Labor Attorney Gehrt asked Council for the authority to finalize the contract with a maximum of a 2.25 percent wage increase for each of the next three years. Council agreed.

Fire Chief Hicks and Labor Attorney Gehrt left the meeting at 8:52p.

EXECUTIVE SESSION MINUTES – 5 ILCS 120/2(c)(21) *(Released: March 22, 2021)*

City Attorney Frieders and Mayor Rey asked Council to review Executive Session minutes at City Hall due to the confidentiality of the issues. City Attorney Frieders recommended releasing the minutes to the public at a later date since some matters are still under discussion.

PENDING OR IMMINENT LITIGATION – 5 ILCS 120/2(c)(11) *(Released: March 22, 2021)*

City Attorney Frieders stated there is an appeal on a property lien foreclosure on Fitzgerald and State Street. He said the City can bid on the property at the Sheriff's sale.

ADJOURNMENT

Alderman Jacobson moved to adjourn the Executive Session; seconded by Alderman Finucane. Motion carried on a voice vote. The session adjourned at 9:00 p.m.

The seal of the City of DeKalb, Illinois, is a circular emblem. It features a central shield with a plow and a sheaf of wheat, symbolizing agriculture. The shield is surrounded by a wreath. The words "CITY OF DEKALB" are inscribed in a circle around the top, and "STATE OF ILLINOIS" is inscribed around the bottom. The name "MARCIA E. SWEIGERT" is written across the center of the seal, and "City Clerk" is written to its right.

MARCIA E. SWEIGERT City Clerk

MINUTES
CITY OF DEKALB COMMITTEE OF THE WHOLE
EXECUTIVE SESSION OF THE CITY COUNCIL
MARCH 9, 2015

The City Council of DeKalb, Illinois, held an Executive Session on March 9, 2015, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Committee of the Whole Meeting of the same day.

The session started at 5:08 p.m. Council members in attendance were: Alderman Bill Finucane, Alderman Kristin Lash, Alderman Bob Snow, Alderman Ron Naylor, Alderman Dave Baker and Mayor John Rey. Absent at roll call were: Alderman David Jacobson (arrived at 5:27 p.m.) and Alderman Monica O'Leary (arrived at 5:35 p.m.).

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patti Hoppenstedt, City Attorney Dean Frieders, City Clerk Marcia Sweigert. Also present were Sikich representatives Dr. Greg Kuhn and Cristi Musser.

PERSONNEL – 5 ILCS 120/2(c)(1)

Dr. Kuhn spoke to Council regarding the results of their market survey on salary and benefit information. Sikich surveyed 40 positions, full and part-time adding the 40 hour work week is predominant. City Manager Gaura stated the 40 hour work week was recommended in a previous EPI study.

Alderman Jacobson arrived at 5:27 p.m.

Alderman O'Leary arrived at 5:35 p.m.

Dr. Kuhn stated the City offers similar benefits compared to their cohorts.

Alderman Naylor said the City is dealing with compression issues, something he mentioned a year ago. Dr. Kuhn said that Sikich will provide recommendations and a strategy for dealing with compression issues at an upcoming meeting. City Manager Gaura added that the City's goal was to attract, retain and promote employees. Assistant City Manager Hoppenstedt stated the study explains why the City is having a hard time recruiting part-time employees.

Alderman Lash asked if the election candidates were invited to the upcoming meeting. City Manager Gaura replied they were not. Alderman Lash questioned this since the FY16 budget would be reviewed and approved by the new Council. City Manager Gaura stated that this study and the recommendations are budgeted for FY2015.

Alderman Naylor asked about an implementation schedule. City Manager Gaura replied that some change will come this year, with the rest will coming down to policy decisions. She added that Assistant City Manager Hoppenstedt is currently working on a personnel manual which will be

brought to Council for review and revision recommendations.

There was discussion about delaying the implementation of the study and recommendations until after the upcoming election.

COLLECTIVE BARGAINING – 5 ILCS 120/2(c)(2) *(Released: July 8, 2019)*

Mayor Rey asked if there were updates regarding collective bargaining. Assistant City Manager Hoppenstedt replied that financials were being prepared this week. A negotiations session with IAFF will take place this week with an update provided to Council at the next Executive Session.

ADJOURNMENT

Alderman Snow moved to adjourn the executive session; seconded by Alderman Finucane. Motion carried on a voice vote. The session adjourned at 6:08 p.m.



Approved: August 24, 2015
Partial Release: July 8, 2019
Full Release: December 13, 2021

**MINUTES
CITY OF DEKALB
SPECIAL COMMITTEE OF THE WHOLE MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
MARCH 12, 2015**

The City Council of DeKalb, Illinois, held an Executive Session on March 12, 2015, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Committee of the Whole meeting of the same day.

The session started at 5:30 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Bob Snow, Alderman Monica O'Leary and Mayor John Rey. Absent at roll call were: Alderman Kristen Lash, Alderman Ron Naylor and Alderman Dave Baker.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Police Chief Gene Lowery, Finance Director Cathy Haley, Fire Chief Eric Hicks and City Clerk Marcia Sweigert. Also in attendance were Sikich representatives Dr. Greg Kuhn and Cristi Musser/

PERSONNEL – 5 ILCS 120/2(c)(1)

City Manager Gaura stated this meeting was scheduled to discuss non-bargaining unit personnel. The Police and Fire Chiefs were present to discuss specific recommendations. Dr. Kuhn was in attendance to provide specific structure and give specific costs resulting from the pay and compensation study. Dr. Kuhn added that he would be presenting the recommendations for pay and compensation based on the study previously presented to Council.

Dr. Kuhn stated that Sikich used the Modified Oliver Job Evaluation tool to measure the value of a job in the labor market. There were three factors involved: responsibilities, skills and working conditions. He added there are eight subdivisions of the three factors above: preparation/training, experience, decision making/independent judgment, responsibility for policy development and execution, planning/analysis, contact with others, supervision of the work of others, and adverse working conditions – hazards.

Sikich recommended two employee groups: fulltime staff and part-time. Also recommended was a 40 hour work week as it will help address compression issues along with saving the City money.

City Manager Gaura stated that issues with compression led to promotional problems with Police and Fire employees.

Dr. Kuhn stated that further recommendation is to pay overtime to non-exempt employees and eliminate compensation time. Also recommended is an increase in base wages. City Manager Gaura added there were no plans to increase wages for the top six City employees.

Sikich also recommended paying part-time employees hourly along with increasing wages for some part-time positions in order to become competitive with the industry. Dr. Kuhn stated that the City's employee benefits are competitive. Dr. Kuhn added that some positions need to have their titles redefined or reclassified.

City Manager Gaura asked Dr. Kuhn to explain the recommendation regarding the City Manager position. Dr. Kuhn stated the City Manager's compensation is between Council and the City Manager.

City Manager Gaura stated that there were six positions that would be reclassified as non-exempt under the Fair Labor and Standards Act. (FLSA). She added that the City's recommendation would be to eliminate compensation time. Also recommended was paying overtime to non-exempt employees working over 40 hours a week when paid time is not taken (vacation, sick, etc.) beginning May 1, 2015. Economic adjustments would be made in January 2016 with a switch to a merit system in January of 2017 and 2018. Further recommendation would include the payout of compensation time upon retirement or termination based on individual salary rates on April 30, 2015. City Manager Gaura stated the City will save money by eliminating compensation time along with informing supervisors to notify employees that all overtime must be approved.

City Manager Gaura stated that in the next round of negotiations, a level in the bargaining unit would be removed as there are too many supervisory and title layers in the Police and Fire Departments. Structural issues within Police, Fire and Public Works will be addressed as well as succession planning.

Assistant City Manager Hoppenstedt stated she was reviewing changes to health insurance benefits which would occur in FY2016, with a savings estimate of \$350,000. Alderman Jacobson asked where this was occurring. City Manager Gaura replied that the savings were across the board with both bargaining and non-bargaining unit employees.

Assistant City Manager Hoppenstedt said it was urgent that the City follow FLSA practices.

City Manager Gaura stated that Chapter 3 would need to be amended to include the recommendations. City Attorney Frieders added that one ordinance with multiple sections would adapt all recommendations into one policy. The amendment would be brought to Council in open session for consideration, discussion and final action. Council agreed on bringing the ordinance amendment for first reading to open session on April 13, 2015. At that same meeting Sikich will present the pay and compensation plan. This would give Sikich time to prepare their presentation and give City staff time to confer with the Aldermen who were absent from this meeting

Fire Chief Hicks and Police Chief Lowery both stated that they think that the 40 hour work week is acceptable as some employees were accustomed to working at least that much now. They both added that they are happy that the recommendations will deal with compression issues, allowing them to attract more talent to supervisory positions.

ADJOURNMENT

Alderman Jacobson moved to adjourn the Executive Session; seconded by Alderman Finucane. Motion carried on a voice vote. The session adjourned at 7:47 p.m.

MARCIA E. SWEIGERT, City Clerk



**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
EXECUTIVE SESSION OF THE CITY COUNCIL
MARCH 23, 2015**

The City Council of DeKalb, Illinois, held an Executive Session on March 23, 2015, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Committee of the Whole Meeting of the same day.

The session started at 5:03 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderwoman Kristine Lash, Alderman Bob Snow, Alderman Ron Naylor, Alder Dave Baker, Alderwoman Monica O'Leary, and Mayor John Rey,

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, and Deputy City Clerk Ruth Scott.

PERSONNEL – 5 ILCS 120/2(c)(1)

City Manager Gaura stated that she and Assistant City Manager Hoppenstedt have progressed in reaching out to those Council members who were not in attendance during the last meeting.

City Manager Gaura provided a foundation of the pay and compensation study that included paying overtime to non-exempt employees working over 40 hours a week, eliminating compensation time for exempt and non-exempt employees, adjusting to a 40 hour work week as of May 1, 2015, adjusting the cost of living increase from July 1 to January 1.

Assistant City Manager Hoppenstedt stated she was working with IPBC to lower the City's health insurance costs by \$350,000 and gave examples of lowering costs such as a three tier system for prescription medication that would include formulary and generics.

There was a brief discussion regarding the timeline of informing staff of the changes concerning comp time and the switch to a 40 hour work week. City Manager Gaura stated that Assistant City Manager Hoppenstedt would meet with individual departments after the April 27, 2015 Council meeting.

Assistant City Manager Hoppenstedt explained that there will be performance evaluation rating levels and provided information regarding the performance evaluation process as it pertains to the recommended merit system.

At this point in the meeting, City Manager Gaura asked Council for their input.

Alderman Jacobson stated comp time should be eliminated and any employee with a bank of comp time should be paid out now. He doesn't agree with paying out comp time on a sliding scale.

Mayor Rey asked for clarification regarding comp time payout and suggested that the dollar amount be shown in department budgets.

City Manager Gaura explained the reasoning behind not paying comp time out all at once. Some employees will take it as time off which will draw down the amount of banked comp time over the next several years. Paying comp time out all at once will create issues with IMRF and pensions. City

Manager Gaura briefly reviewed other recommendations that will be presented later this year such as payout of vacation time to a bargaining unit employee when promoted to a management role.

Alderman Snow stated it would be difficult to know when payouts would occur and added that budgeting individuals by department is awkward.

Discussion ensued regarding the pay out of comp time.

Alderman Snow stated there would be increased productivity for working a 40 hour week. City Manager Gaura added that several employees are already working 40 hours a week and recommended pulling the City Manager position out so there's no conflict of interest. She also stated that staff hired after her do not receive comp time.

City Manager Gaura stated that the City is behind in market wages adding they've been kept artificially low based on previous decisions.

COLLECTIVE BARGAINING – 5 ILCS 120/2(c)(2)

Not discussed at this meeting.

ADJOURNMENT

Alderman Lash moved to adjourn the Executive Session; seconded by Alderman Jacobson. Motion carried on a voice vote. The session adjourned at 5:58 p.m.


RUTH A. SCOTT Deputy City Clerk


**MINUTES
CITY OF DEKALB
REGULAR MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
MARCH 23, 2015**

The City Council of DeKalb, Illinois, held an Executive Session on March 23, 2015, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Regular Meeting of the same day.

The session started at 7:00 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Kristine Lash, Alderman Bob Snow, Alderman Ron Naylor, Alderman Dave Baker, Alderman Monica O'Leary, and Mayor John Rey,

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, and Deputy City Clerk Ruth Scott. Also in attendance was Labor Attorney Ben Gehrt.

PERSONNEL – 5 ILCS 120/2(c)(1)

City Manager Gaura stated there were a number of policy issues that needed direction from Council which included switching to a 40 hour work week effective May 1, 2015 and eliminating compensation time. The consensus of Council was to switch, subject to discussion and final action in open session.

Assistant City Manager Hoppenstedt stated that those positions in max of \$20,000 of budgeted overtime would have to be approved in advance.

City Manager Gaura stated that pay ranges were built on a 40 hour work week; the City Manager's pay would be removed from the range. Minimums and maximums would be provided and the range for fulltime and part-time, and the City could remove seasonal labor.

City Attorney Frieders stated this discussion was to build a consensus with action taking place in an open meeting of Council. The general consensus was yes.

Alderman Jacobson stated that he thinks more could be offered to mitigate raises, perhaps 2.5 percent should be offered as that's what union employees receive. He also stated that compensation time banks should be eliminated now.

There was a brief discussion regarding the switch to a 40 hour work week.

Alderman Finucane asked how many salaried versus hourly employees the City has now. Assistant City Manager Hoppenstedt replied that all fulltime staff are currently salaried; only part-time staff are paid hourly.

There was discussion regarding employee perception of taking away a benefit, i.e. compensation

time. City Manager Gaura stated that the City has an opportunity to remove a benefit that's been historically manipulated. In return, base salaries will be adjusted to make it more equitable.

Chief Lowery stated there are morale issues when there's nothing to try harder for. Salaried staff feel demoralized when the employees they supervise are making more than they do. The best people need to be put in the best places. Chief Lowery gave examples of staff that deserve salary increases and departments with deficiencies.

Assistant City Manager Hoppenstedt stated that the one thing that has been profound and consistent is a strong perception from employees that they are second class citizens to Council and this organization. They don't feel valued. Alderman Jacobson disagreed and stated the community doesn't feel bad for those who don't feel valued when they make over \$100,000 a year.

There was discussion regarding increases for employees in management positions. Professional positions need to be filled with people with high quality experience.

Alderman O'Leary asked how promotions and raises would be addressed if the City lost money from the state. Finance Director Haley stated she was reviewing how the City would be affected.

Alderman Baker asked Assistant City Manager Hoppenstedt if meetings with staff were taking place at their employment areas. City Manager Hoppenstedt replied that they were. Alderman Baker added that historically the City Manager's Office has been weak and commended The City Manager and Assistant City Manager for reaching out to staff.

Alderman Baker asked Chief Lowery why the City has a hard time hiring and keeping telecommunicators. Chief Lowery replied that they can go to the county and get more money. Assistant City Manager Hoppenstedt added that the City can't compete with its current pay rates. Salary data from Sikich indicates our rates are extremely low.

There was discussion among all present regarding hiring and maintaining quality staff, range increases, succession planning, and the compression issue.

Chief Lowery provided examples of costs to hire employees from recruitment through training.

Alderman Lash stated that outside of the compression issue, the training issue is big. Because the City's pay range is so low, there are those who will come here to get experience and then leave for a higher paying job.

There was a brief discussion where the General consensus of Council was to switch to a 40 hour work week and eliminate compensation time.

There was discussion among all in attendance regarding the phase in of the merit system that included the percentage of merit increase ranges. The consensus of Council was to phase in over a three year period. There would be an economic adjustment on January 1, 2016. Performance expectations would be provided to staff in January 2016 with the merit process, based on how well an employee performs, beginning in January 2017.

Alderman Jacobson felt that a 3 percent merit increase is excessive. Assistant City Manager Hoppenstedt stated that 3 percent is used for budgeting. Policy would read that employees would get a pay increase based on performance and as the budget allows.

There was discussion between Alderman Jacobson and City Manager Gaura regarding pay increases and effective dates of those increases. Alderman Jacobson stated the unions wouldn't be happy with these changes. Assistant City Manager Hoppenstedt explained the process and stated the unions will not have an issue once the entire program is understood. Jacobson stated that the unions are not going to be happy with this change.

Mayor Rey thanked all involved for working on this project and commended the direction the City is taking regarding the pay and compensation study, which would be brought before the Council in open session for discussion and final action.

Finance Director Haley and Police Chief Lowery left the meeting at 8:15 p.m.

COLLECTIVE BARGAINING – 5 ILCS 120/2(c)(2)

Assistant City Manager Hoppenstedt provided a summary on the current wage proposal for firefighters. Based on arbitration awards, she asked for the authority to not exceed 2.5 percent for firefighter increases.

There was discussion between Alderman Lash and Assistant City Manager Hoppenstedt regarding the length of the contract. Alderman Lash recommended a 2.25 percent increase over four years. Assistant City Manager Hoppenstedt stated she doesn't suggest a four year contract as there are too many uncertainties. City Manager Gaura stated there would also be an issue with the timing of all contracts and how they're staggered.

Alderman Baker recommended 2.25 percent at for three years. Discussion regarding the pending contract ensued. Labor Attorney Gehrt stated that a settlement without two of the years at 2.25 percent was unlikely. He recommended two of the years at 2.5 percent and the third year between 2.25 and 2.5 percent.

There was a brief discussion regarding the cost of worker's compensation.

City Manager Gaura asked Council for the authority amount to negotiate. Alderman Snow stated he would approve one year at 2.5 percent and two years at 2.25 percent and staff indicated that they would negotiate an agreement for further review and consideration by the Council. Fire Chief Hicks left the meeting at 8:37 p.m.

PERSONNEL – 5 ILCS 120/2(c)(1)

City Manager Gaura stated that Public Works Director TJ Moore had given his resignation with his last day being on April 8, 2015.

Council and staff reviewed the base pay of the former Assistant City Manager and Public Works

Director Moore. Both have left for higher paying roles.

Assistant City Manager Hoppenstedt provided her history of using a hiring firm over advertising and suggested using Gov/HR USA as they are familiar with the City of DeKalb. Further, they information on current talent seeking employment. The City shouldn't settle for whatever an ad in a newspaper will bring, especially with the complexity of the role in question as it pertains to the airport, DSATS, etc. City Manager Gaura added there is money in the budget to hire Gov/HR USA.

Alderman Baker asked if this decision should be made prior to the seating of the new Council.

There was discussion regarding contracting out certain roles and duties currently performed by staff within the City. Alderman Baker mentioned restructuring the Public Works Department once the new Council was seated. Assistant City Manager Hoppenstedt stated that the target candidate would be one able to look at the structure and provide input for restructure. Alderman Baker stated he wants to make sure the person hired has the ability to multitask along with strong contract management.

The consensus of Council was to use Gov/HR USA to find someone for the Public Works Director role. A proposal will be brought before Council at the April 13, 2015 meeting for review, discussion and consideration of approval.

There was discussion regarding residency. Alderman Finucane stated he was concerned that issue will be taken by citizens that a Request for Proposal wasn't completed prior to contracting with Gov/HR USA. Alderman Lash agreed that there may be some pushback because of the website issue.

City Manager Gaura stated that in the interim, City Engineer John Laskowski will act at the Public Works Director. She added that she's looking at a second person to act out of classification as second in command as within her authority.

ADJOURNMENT

Alderman Jacobson moved to adjourn the Executive Session; seconded by Alderman O'Leary. Motion carried on a voice vote. The session adjourned at 9:00 p.m.


RUTH A. SCOTT, Deputy City Clerk


**MINUTES
CITY OF DEKALB COMMITTEE OF THE WHOLE
EXECUTIVE SESSION
APRIL 13, 2015**

The City of DeKalb, Illinois, held an Executive Session on April 13, 2015, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Committee of the Whole Meeting of the same day.

The session started at 5:11 p.m. Council members in attendance were: Alderman Bill Finucane, Alderman Kristen Lash, Alderman Bob Snow, Alderman Ron Naylor, Alderman Monica O'Leary, and Mayor John Rey. Absent at roll call were: Alderman David Jacobson (arrived at 5:14 p.m.) and Alderman Dave Baker.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Fire Chief Eric Hicks, Police Chief Gene Lowery, Finance Director Cathy Haley, and City Clerk Marcia Sweigert. Also in attendance were Labor Attorney Ben Gehrt and Sikich representatives Dr. Greg Kuhn and Cristi Musser.

PENDING LITIGATION OR IMMINENT LITIGATION – 5 ILCS 120/2(c)(11) AND PERSONNEL – 5 ILCS 120/2 (c)(1)

City Attorney Frieders stated there was probable or imminent litigation issues regarding Fair Labor and Standards Act (FLSA) that the City has discovered. He explained that the City had identified actionable legal claims against itself, to the benefit of City employees, which were a basis for reasonably believing that litigation was probable or imminent, as proposed pay and compensation changes would highlight these issues. Council concurred and directed that a finding be recorded in the minutes.

City Manager Gaura stated that she and Assistant City Manager Hoppenstedt met with the Aldermen who have missed previous Executive Sessions where the pay and compensation study was discussed.

Alderman Jacobson arrived at 5:14 p.m.

City Manager Gaura stated that department heads met with non-bargaining employees last Tuesday regarding comp time and FLSA. She stated that Chapter 3 allows a one-time pay out of 450 hours. City Manager Gaura said she informed employees they would no longer be granted payouts. However, if an employee asks for a payout, the City must comply. There are concerns regarding a run on comp time and employees speaking to a lawyer regarding FLSA issues, identifying legal claims against the City for imminent assertion.

City Manager Gaura stated that as it stands now, benefits are called out in Chapter 3. City Attorney Frieders added that Chapter 3 has to be amended each time benefits change for non-bargaining units. Once the pay and compensation study is complete, Chapter 3 will be amended by removing benefits in order to create a more customary and uniform approach. At this time, the City has put together a stop-gap ordinance in open session that will allow Council to implement not paying out comp time when requested.

Alderman O'Leary asked what would happen if all employees decided they wanted a payout now. City Manager Gaura said they cannot cash them all out within the current confines of the budget.

Alderman O'Leary asked how the stop order comes into effect. City Manager Gaura stated Council would need to pass the ordinance on first reading and waiving second reading for it to take effect. Staff recommends passage tonight, if the majority of Council agrees after public discussion and consideration. City Attorney Frieders added that if Council approves the ordinance tonight, it would allow the City to freeze comp time pay outs.

City Manager Gaura stated that employees are not losing their comp time, it's just being paid out in different manner such as using it in place of taking a vacation day or having it paid out when they leave employment. Overall, the response from employees regarding the new plan is positive.

Assistant City Manager Hoppenstedt provided information regarding the personnel manual currently in creation stating it would be kept on the City's website for employee reference along with a benefits handbook. Each will be adjusted annually per federal and state regulations.

Alderman Lash and Alderman O'Leary asked for clarification regarding the freeze on the dollar value of comp time. City Manager Gaura stated that the ordinance will freeze the comp time payout rate even if the salary goes up. Alderman Lash felt it would still be a long term liability. City Manager Gaura stated that a multi-year plan to phase out comp time would be put together. City Attorney Frieders said that the first step with the liability is to stop the continued accrual of comp time.

Alderman Jacobson expressed concern over combining pay increases with other items. Police Chief Lowery said FLSA is an issue and separating the items would be a bigger issue. Unfortunately, Council is paying the price of past decisions from predecessors.

Alderman Jacobson asked if an employee's request for cashing out their comp time had to be honored. City Attorney Frieders replied yes, under the current structure.

Alderman Lash said she has an issue with comp time liability and thinks it opens the City up to liability by keeping it on the books too long.

Alderman O'Leary said she would like to see comp time paid out in full.

Alderman Snow said the budget could be amended.

City Manager Gaura stated there are many options for paying out comp time.

Alderman Jacobson said the City should switch to a 40 hour work week and pay out all comp time balances.

Alderman Snow said that employees will want their comp time.

Alderman Lash said that the salary increase is making up for the absence of future comp time and the overtime that they will not be getting.

City Attorney Frieders noted that if Council could move forward with the ordinance with an amendment to pay out comp time over the next two years. Alderman Snow and Alderman O'Leary said they would like to discuss it further at a different meeting with clearer figures.

Alderman Lash asked if the ordinance could be passed as is and brought back regarding a comp time pay out later. City Attorney Frieders said it could. Council can approve the pay and comp study in open session tonight and at the next meeting, after Council is provided figures from staff, a comp time pay out schedule could be discussed. City Manager Gaura added that the implementation of the pay and compensation study could be approved tonight and staff would bring back options for a payout at a later date.

Alderman O'Leary asked if Council would be approving no comp time. Assistant City Manager Hoppenstedt stated that no one is losing their existing comp time and added that staff could ask during one-on-one meetings if there was a payout preference. She will get a straw poll from employees regarding comp time pay out and bring it back to Council in two weeks.

Alderman Finucane suggested having employees use their comp time (take time off) between now and next fiscal year; anything remaining would be paid out by end of next fiscal year. City Manager Gaura said that option would need to be discussed operationally.

Alderman Jacobson suggested a "use it or lose it" plan regarding comp time. Labor Attorney Gehrt said that would be unlawful.

Alderman Finucane suggested a limit on the time frame for a comp time payout, after that, employees could only use it as vacation time. Labor Attorney Gehrt stated that vacation time can grow with the rate of salary and emphasized there are legal liabilities involved; old comp time banks cannot be wiped out due to state law.

City Manager Gaura said that staff has looked at the past three years of comp time for non-exempt employees. If Council chooses not to act at this time or if there is any lag, liability can go further back in time.

Alderman O'Leary asked if Council could make an amendment to pass the FLSA portion tonight. City Attorney Frieders said employees would have to be reclassified to pass just the FLSA, which is part of the pay and comp study. He's not sure how to address FLSA without flagging certain positions that are improperly classified now.

Alderman Jacobson asked if the ordinance mitigated our liability. Labor Attorney Gehrt said that is the reason for the ordinance.

Alderman Jacobson asked why employees weren't being told that the City was incorrect regarding it's classification of some employees. Assistant City Manager Hoppenstedt said that Attorney Gehrt had put together a letter regarding what was discovered. Employees will be told what is owed to them. Nothing is secretive.

Mayor Rey asked if the ordinance will cut off FLSA liability and eliminate continuing accrual of comp time. City Attorney Frieders said it would.

Alderman Naylor said he supports the pay and wage study concept and he would be willing to support its public approval.

Alderman O'Leary asked if the ordinance could be amended today to pay out comp time. City Attorney Frieders said it could be amended today for pay outs during this fiscal year and the rest in the next fiscal year. The other option would be to wait for the next meeting to get more figures. Alderman Lash said she thought waiving second reading was rushed. Mayor Rey said Council has had time to review the information since Thursday.

City Manager Gaura asked City Attorney Frieders to explain what would happen in the two week period if Council chooses to receive and file the ordinance. City Attorney Frieders said employees could look into FLSA further and seek their comp time pay out.

Mayor Rey asked if the FLSA period gets extended if Council doesn't act tonight. Labor Attorney Gehrt said an employee can file a class action lawsuit. The payout would be two to three times what they are owed now with a lawsuit with liquidated damages.

Mayor Rey said he would ask for a motion to receive and file in open session, get a second and then go to discussion. If someone moves to waive on second reading, it will be dealt with at that time.

Alderman Lash stated she would like one more session with the document as a whole. Mayor Rey said that he is confident that the City Manager and staff are addressing this issue. He added that some previous staff have not dealt with full disclosure. City Manager Gaura said she will follow the process that Council recommends. Alderman Lash said she wanted to make it clear she didn't feel pressured or manipulated.

COLLECTIVE BARGAINING – 5 ILCS 120/2(c)(2)

Not discussed at this meeting.

ADJOURNMENT

Alderman Lash moved to adjourn the Executive Session; seconded by Alderman O'Leary. Motion carried by voice vote. The session was adjourned at 6:35 p.m.



MINUTES
CITY OF DEKALB REGULAR MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
APRIL 13, 2015

The City Council of DeKalb, Illinois, held an Executive Session on April 13, 2015 in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority of the vote of the City Council at the Regular Meeting of the same day.

The session started at 10:11 p.m. Council members in attendance were: Alderman Bill Finucane, Alderman Bob Snow, Alderman Ron Naylor, Alderman Monica O'Leary, and Mayor John Rey. Absent at roll call were: Alderman David Jacobson (arrived at 10:17 p.m.), and Alderman Dave Baker.

Also present were City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Fire Chief Eric Hicks, Finance Director Cathy Haley, City Clerk Marcia Sweigert, and Labor Attorney Ben Gehrt.

COLLECTIVE BARGAINING – 5 ILCS 120/2(c)(2)

Labor Attorney Gehrt stated that the City had reached an agreement with firefighters on March 31, 2015 within the parameters Council directed. The settlement on pay increases was 2.25 percent in the first year, 2.25 percent in the second year, and 2.5 percent in the last year. It was less expensive to do the largest increase in the final year. All other issues worked to the City's advantage.

Alderman Jacobson arrived at 10:17 p.m.

Fire Chief Hicks stated there was a savings to having firefighters pay for their own classes and added that firefighters need five points to be promoted.

Mr. Gehrt spoke about other changes to the proposed agreement with the firefighters that included:

- Amended FMLA policy
- Lower cost for outside work
- Compression was addressed in organizational structure of management ranks
- Sick leave
- Discipline
- No longer generating over time by using comp time
- Continuing to negotiate insurance over high deductible plan
- Duty trades and special teams
- Residency

Fire Chief Hicks said they agreed to no cost to inspection.

City Manager Gaura said the City is increasing their work day by one hour with essentially no increase in pay. She added that the contract would be retroactive to July 1, 2014.

Fire Chief Eric Hieka and Finance Director Cathy Haley left the meeting at 10:34 p.m.

PENDING LITIGATION – 5 ILCS 120/2(c)(11)

City Attorney Frieders discussed the following cases:

- Employees left after garbage picking. They hired an attorney but the City has yet to be contacted.
- The City was dismissed from a case involving someone injured on a privately owned manhole.
- Sibo - Motion to dismiss was denied.

WORKER'S COMPENSATION – 5 ILCS 120/2(c)(2) (Released: March 22, 2021)

City Attorney Frieders discussed the following cases:

- Gary Wisdom - treatment complete. Seeking settlement authority from Council subject to final approval.
- Officer Busby - treatment complete. Seeking settlement authority from Council subject to final approval.
- Young firefighter hired from Rochelle injured at an outside structure fire is still undergoing treatment; will update as available.

PENDING OR IMMINENT LITIGATION – 5 ILCS 120/2(c)(11)

PERSONNEL – 5 ILCS 120/2(c)(1)

Mayor Rey asked to revisit Ordinance 2015-017 in light of the Fair Labor and Standards Act (FLSA). There was some discussion amongst Council, staff, and the City Attorney regarding potential litigation damages to the City with FLSA compared to cost of paying employees out now. City Attorney Frieders advised that the litigation damages could exceed cost of paying out existing comp time.

Alderman Lash asked how passing on second reading eliminates FLSA. City Attorney Frieders said the City would pay out FLSA liability immediately; it also reclassifies employees.

Alderman Lash asked if it was possible to pass just the FLSA portion of the ordinance in question. City Attorney Frieders said Council would have to authorize a payout to FLSA and approve positions that are now exempt from overtime in order to eliminate liability.

Alderman Lash said she thinks the item needs more time to be looked at as a whole. Alderman Finucane stated that Council has had some of this information for months. Alderman Naylor said the City Manager said she would bring a balanced budget forward; Alderman Finucane is trying to eliminate exposure for us.

City Manager Gaura stated different options can be presented.

Alderman Finucane asked what would happen if employees asked for comp time payout at the same time; what time frame does the City have to act upon the requests. City Attorney Frieders said the City would payout at the next opportunity.

Alderman O'Leary stated she is concerned about the budget and wants to wait to get the numbers from the City Manager at the next meeting. She also stated that she wants to see comp time paid out. City Manager Gaura stated that if Council wants to roll out the pay and comp study and pay out the comp time this fiscal year, it can be done. It's a policy decision of Council.

Alderman Lash asked where the City gained money in the general fund. City Manager Gaura stated it was due to the airport bond and personnel vacancies.

Alderman Naylor said the employee should be given the decision on when to receive their comp time payout. City Attorney Frieders said that we eliminate liability by paying out non-exempt employees. The City has to pay down some comp time to be in compliance with FLSA.

Assistant City Manager Hoppenstedt said that for non-exempt employees, the rate of pay out has to be honored to comply with FLSA. City Manager Gaura added that the rate goes up if there is a balance for non-exempt employees. Alderman Lash said that is why she has had some reservations. However, she is now hearing new information which is why she wants more time to review. City Manager Gaura apologized for that and Assistant City Manager Hoppenstedt said that it is called out in the ordinance.

Alderman Lash asked if Council can say they are revisiting the pay and comp study and would like to authorize a pay plan for non-exempt employees. City Attorney Frieders said that the City would have to do that for former non-exempt employees that moved to exempt over the past three years.

Alderman Jacobson if comp time can be frozen and authorize FLSA. City Attorney Frieders stated that would fix a past issue but would have to adopt changes in job description and title.

Alderman Finucane asked some members of Council what they were trying to avoid passing.

Alderman Jacobson stated he's uncomfortable doing anything without the press present. He added that IT Technician Jeff Birtell was also gone.

Alderman Lash asked for time to look at the pay and comp plan and eliminate the FLSA liability. Alderman Snow said Council couldn't do a new motion and would have to motion to reconsider.

City Manager Gaura said there are a few different categories that have to be spelled out, specifically calling out exempt versus non-exempt employees.

Alderman Finucane asked staff if two weeks was needed or if a special meeting could be held.

City Attorney Frieders said a special meeting was an option.

Alderman O'Leary asked if Council has to approve the entire pay and comp study to get the FLSA portion passed. Alderman Finucane said that staff had said it would be preferable to pass the entire package. In order for it to be pulled out alone, there are other things that would need to be passed along with it that would have to be identified. City Attorney Frieders said it could not be accurately done tonight in piecemeal fashion.

Alderman O'Leary said that she is ok with addressing the FLSA but she doesn't support all of the wage increases. She wants to go to 40 hour work week and she wants more time to look at all of this. She added that the 3 percent merit pool is less than employees are getting now.

Assistant City Manager Hoppenstedt said that if Council reconsiders, they are not approving a 3 percent merit pool. The ordinance states "to be later brought to Council for approval". Council can decide raises later. Alderman Lash asked what Council was passing tonight then. Alderman Jacobson asked if Council was approving for just this year. Assistant City Manager Hoppenstedt said yes. The 3 percent was just an illustration. Council will have to approve yearly pay increases.

Alderman Jacobson asked if part of the plan was switching to a merit pool. City Attorney Frieders said that for future years, it has to be approved in the budget by Council. Aldermen Lash and O'Leary were confused about the way it was presented. They thought they were approving a specific budget for merit pool raises. Assistant City Manager Hoppenstedt said no. Staff has to bring to Council a request for approval for merit pool and any sort of increase in pay.

Alderman O'Leary said that she could make a motion to reconsider. Assistant City Manager Hoppenstedt read the portion of the ordinance that addresses this: "the current step increase program would be suspended; the City Manager is authorized to pay performance plan subject to City Council budgeting the increase."

ADJOURNMENT

Alderman Lash moved to adjourn the Executive Session; seconded by Alderman Finucane. Motion carried on a voice vote. Mayor Rey declared the session adjourned at 11:38 p.m.

MARCIA E. SWEIGERT, City Clerk

The seal of the City of DeKalb, State of Illinois, is circular. It features a central shield with a plow and a sheaf of wheat. The words "CITY OF DEKALB" are written in a circle around the top, and "STATE OF ILLINOIS" is written around the bottom. The date "JANUARY 1831" is inscribed at the bottom of the shield.

**MINUTES
CITY OF DEKALB REGULAR MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
APRIL 27, 2015**

The City Council of DeKalb, Illinois, held an Executive Session on April 27, 2015, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Regular Meeting of the same day.

The session started at 8:12 p.m. Council members in attendance were: Alderman Bill Finucane, Alderman Kristen Lash, Alderman Bob Snow, Alderman Ron Naylor, Alderman Dave Baker (arrived at 8:27 p.m.), and Mayor John Rey. Absent at roll call were: Alderman David Jacobson and Alderman Monica O'Leary.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Police Chief Gene Lowery, Finance Director Cathy Haley, City Clerk Marcia Sweigert, and Suzanne Pupino (City Clerk in training).

PERSONNEL – 5 ILCS 120/2(c)(1) AND COLLECTIVE BARGAINING – 5 ILCS 120/2(c)(2)

City Manager Gaura spoke regarding the budget to implement the pay and compensation study and also regarding the pay out of comp time.

City Attorney Frieders said he wanted to weigh in regarding OMA, collective bargaining and personnel, recommending the items be discussed as part of the budget process and not in Executive Session.

Assistant City Manager Hoppenstedt said that after meeting with employees, most had said they wanted to use their comp time as time off or have it paid out at termination of employment. City Manager Gaura wanted Council to wait on making decisions regarding pay out of comp time until staff had more time to gather figures. City Attorney Frieders said that Council could mandate pay outs over a specified period of time.

Alderman Baker arrived at 8:27 p.m.

Assistant City Manager Hoppenstedt said she met with all non-bargain employees regarding the pay and compensation study from Sikich. The meetings have been very positive. She said both full and part time employees were glad to be regarded. She assured all employees that the Council values them. Many employees said thanks to the Council for engaging in the studies.

City Manager Gaura spoke regarding the re-title of three police lieutenants to commanders. The lieutenants viewed this as a promotion and expected a raise. The City did not anticipate this. Police Chief Lowery said that their work load does go up. The three employees view it as a promotion. They were disappointed that a raise was not discussed. Assistant City Manager

Hoppenstedt said that these lieutenants did not benefit from 40 hour work week conversion. Council needs to consider this a promotion for these individuals.

City Attorney Frieders left the room at 8:39 p.m. and came back at 8:39 p.m.

There was discussion regarding the promotions, taking the issue back to Sikich to have them readjust, and a timeline for getting the salary adjustments made. Adjustments would be retroactive to May 1st. Promotions would be discussed at May 26 open session for consideration and any required action.

Assistant City Manager Hoppenstedt, Police Chief Lowery and Finance Director Haley left the room at 9:02 p.m.

City Manager Gaura spoke regarding her performance evaluation and the need to complete the evaluation. The evaluation was supposed to be tied into her anniversary date of January 1st. She has discussed with the Mayor the form that she should use. Council has not always wanted to use that form. She proposed to have Sikich work with Council on the performance review. She wanted to know if Council wanted to have an Executive Session regarding her evaluation.

City Attorney Frieders discussed some challenges with the existing evaluation tool and scoring. Compensation is not always in line with the scoring. He said that the City Manager should receive an annual adjustment in July under her employment agreement. She should also have a merit review. He wanted direction from Council on how to proceed. The City Manager said that she was happy to leave the room so that Council can discuss this.

Alderman Lash said she thought that the existing form was frustrating.

Alderman Finucane left the room at 9:09 p.m.

Alderman Lash said that she worried about the political implications of having an Executive Session to evaluate the City Manager. There was a discussion regarding having a special meeting prior to May 11.

Alderman Finucane came back into the room at 9:11 p.m.

Alderman Baker said that he thought Sikich should do this so Council understands what they are voting on. He thinks past evaluations have been chaotic. City Attorney Frieders said that is the advantage to having Sikich prepare the tool. They will have to come back to Council with an action item in public session to approve the Sikich study. This will take some time, though.

There was some discussion regarding developing an internal evaluation tool. Mayor Rey had an evaluation form that he prepared that the current Council could look at and complete. The Council and City Manager wanted to see that form. Alderman Finucane suggested looking at the existing form, as well as having the City Manager send the Council her own evaluation. City Attorney

Frieders said that Council has to consider a COLA in July under her employment agreement. Separately, no less than yearly, City Manager needs to be considered for a merit review.

Mayor Rey left the room to get the form at 9:23 p.m.

There was discussion regarding how the City Manager had been evaluated at her previous position.

Mayor Rey entered the room at 9:26 p.m. with the evaluation form.

There was discussion regarding bringing this to the May 11th COW Executive Session under personnel issues related to employee evaluations. Mayor Rey explained his form. There was discussion regarding how best to use the form. Mayor Rey said that Council could work it into the Sikich performance evaluation study. City Manager said she would send out her evaluation in a memo. Alderman Snow suggested getting feedback from other managers in addition to Council. There was discussion regarding determining salary at market value. It was agreed that the Council would fill out the Mayor's evaluation form and share their input at the next Executive Session.

ADJOURNMENT

Alderman Lash moved to adjourn the closed session; seconded by Alderman Naylor. Motion carried on a voice vote. Mayor Rey declared the closed session meeting adjourned at 9:41 p.m.



**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
MAY 11, 2015**

The City Council of DeKalb, Illinois held an Executive Session on May 11, 2015, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The Executive Session was called by a majority vote of the City Council at the Committee of the Whole meeting of the same day.

The Executive Session started at 5:25 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Kristen Lash, Alderman Bob Snow, Alderman Ron Naylor, Alderman Monica O'Leary, and Mayor John Rey. Absent: Alderman Dave Baker

Also present were: City Manager Anne Marie Gaura, City Attorney Dean Frieders and City Clerk Marcia Sweigert. Suzanne Pupino was also present for training purposes.

PENDING OR IMMINENT LITIGATION – 5 ILCS 120/2(c)(11)

City Attorney Frieders provided updates as follows:

A hearing regarding the Fitzgerald case will be on May 12, 2015, which will set it up for a Sheriff's sale in approximately 60 days. The City will be the only bidder.

Two worker's compensation cases have been settled for 10% lower than recommended. Both cases are now closed.

A Rule to Show Cause hearing is set for the Miskin property on 5th Street. There have been no improvements made to the property.

The Miskin property on 10th Street has a demolition order that is now being appealed.

A remediation hearing is set for June 2015 for the Miskin property on 12th Street.

A June 2015 hearing is set for the Miskin property on Market Street for a petition for demolition of the eastern building clean up or remediation on the western building.

IMET is making small disbursements to the City. There will be a recovery of funds but most likely not in full.

Alderman Naylor asked for an update on the property on N. 7th Street. City Attorney Frieders stated the owner is living in a senior citizen's home and working with his attorney to recover his belongings.

Alderman Naylor also asked for an update on the Protano site. City Attorney Frieders stated that the City is working with the EPA on the next phase of funding.

Alderman Jacobson asked if the Wurlitzer demolition was complete and if the current occupant had taken title of the building. City Attorney Frieders stated the demolition was complete, but the current occupant has not taken title due to pending foreclosure action.

PERSONNEL – 5 ILCS 120/2(c)(1)

Mayor Rey stated this portion of the session would be used to discuss the City Manager's performance review. The Mayor also stated that he had reviewed the Aldermen's comments with the City Manager earlier in the day. They Mayor will create a recap of the comments which will be made part of the City Manager's personnel file.

City Manager Gaura left the meeting at 5:35 p.m.

There was a discussion regarding the results of the Alderman's evaluation and narratives for the City Manager's first year of employment and the tool used for the evaluation.

Alderman Snow stated that next year's evaluation should include feedback from City department heads and peer reviews from the community such as the DeKalb Park District and School District.

There was a brief discussion regarding the amount of increase to be given. It was the consensus of Council that a 3% merit increase be approved, retroactive to January 1, 2015.

City Attorney Frieders asked Council if they would be preferring the increase be approved through the accounts payable listing or as a separate item.

Alderman Finucane stated that it should be a separate item for the sake of transparency. It was the general consensus of Council that the item be placed on an upcoming agenda as a separate item under the Consent agenda.

City Manager Gaura returned to the meeting at 5:45 p.m.

ADJOURNMENT

Alderman Lash moved to return to open session; seconded by Alderman Finucane.

Council returned to open session at 5:55 p.m.

MARCIA SWEIGERT
City Clerk



Approved: August 24, 2015
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
MAY 26, 2015**

The City Council of DeKalb, Illinois, held an Executive Session on May 26, 2015, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The Executive Session was called by a majority vote of the City Council at the Committee of the Whole meeting of the same day.

The Executive Session started at 5:32 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Michael Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman David Baker, Alderman Monica O'Leary, and Mayor John Rey.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Finance Director Cathy Haley, Police Chief Gene Lowery, Community Development Director Ellen Divita, Deputy Clerk Ruth Scott, and Deputy Clerk Julie Abraham.

PENDING OR IMMINENT LITIGATION – 5 ILCS 120/2(c)(11)

Finance Director Haley gave an overview of the Illinois Metropolitan Investment Fund (IMET). The City has monies invested in part of this fund where fraudulent activity occurred which caused a loss for the City. She then asked City Attorney Frieders to describe the activity. City Attorney Frieders provided information on this situation.

Mayor Rey inquired that if we were to liquidate and/or withdraw our investments with IMET how would this affect the City's investment. City Attorney Frieders stated the total investment is approximately \$15 million and the City's portion of the loss is \$500,000. IMET has stated they will take the equivalent of \$400,000 out of the account and put in a placeholder account. Then the amount recovered by IMET will be distributed prorata to all affected municipalities. The City has removed the remainder of the investment into a different investment.

Alderman Finucane asked Finance Director Haley the chances of full recovery of the investment. Finance Director Haley replied she believes we will recover a good portion but 100% is unlikely. City Attorney Frieders also stated it is unlikely to receive a 100% recovery.

Alderman Finucane asked if there is any way to be made whole. City Attorney Frieders stated there are a group of municipalities in the same position as the City. One of the ways IMET is pursuing to make the parties whole is the United States Department of Agriculture (USDA) loan guarantee. The USDA has acknowledged liability and have gone through the full administrative process, which at the conclusion of that process, the last step is to sue the USDA. IMET is at this point in the process, and it is anticipated the suit will go forward. Based on the structure of this investment, it does not appear that IMET violated any of its obligations to the City or that IMET would have any direct liability to the City. IMET did their due diligence. At this point, the liability is with the company that went under and the USDA.

Alderman Snow asked if the City is sufficiently diversified at this point with the remaining funds. He

believes using one fund was not a good diversification of assets. Finance Director Haley stated she believes as well as being diversified the City it is fully collateralized and insured and indicated she would be available to discuss outside of executive session.

PURCHASE OR LEASE OF REAL PROPERTY – 5 ILCS 120/2(c)(5)

City Manager Gaura gave background of acquiring the property located at 622 W. Lincoln Highway. Community Development Director Divita provided background information on the property and where it currently stands.

City Manager Gaura stated she believes it is in the best interest of the City long-term to have at least one parcel to the east or west of the police station. The police station is a landlocked building and there are known parking issues.

City Manager Gaura stated the reason it has been brought back to the Council is to find out if the Council is still interested in acquiring the property with the new information provided. If this goes forward and if the property were to be rezoned commercial, there could be coordination between the City and the developer. City Manager Gaura asked for directive of how the Council would like to move forward and suggested to remain involved to see if there is any potential. Per previous direction, the Council had discussed a threshold subject to final public discussion, consideration, and approval.

Alderman Baker gave background information regarding this property and others in the area going back 12-14 years. He stated based on previous discussions with this Council, Alderman Baker believes anything under \$200,000 is a bargain. Alderman Baker also stated is uncertain what his answer is in regards to 622 W. Lincoln Highway and needs more time to think about it.

Alderman Jacobson asked what the minimum Planned Unit Development (PUD) acreage is. Community Development Director Divita stated two acres. City Attorney Frieders stated with the minimum for a PUD the City has the ability to vary that by approving a PUD with fewer than two acres.

City Manager Gaura stated there is no need for the Council to come to a consensus tonight. The Council can take time to think about it and discussed it more at the June 8, 2015, meeting. City staff is available to answer questions the Council may have.

Alderman Noreiko asked for clarification on what PUD stands for. City Attorney Frieders responded Planned Unit Development.

Alderman Snow asked if we have a sense of what the property owner will accept at this point. Alderman Baker stated he would authorize \$200,000 because maybe the City's offer would be the easiest decision for the property owner to make based on his situation.

City Attorney Frieders stated for the record what we are talking about is negotiating authority with the understanding that any offer made would be contingent upon on final approval which would take action by the Council in open session.

Mayor Rey asked Alderman Baker it was his thought are to authorize \$200,000. Alderman Baker stated yes.

Alderman Finucane asked if the foreclosure amount is known. City Attorney Frieders stated no and the City found out about the sheriff's sale scheduling today (May 26, 2015). Alderman Jacobson asked what the last purchase price was. City Attorney Frieders stated he would look into it.

Community Development Director Divita stated the property owner said it's been in the family for generations.

Alderman Finucane asked the non-commercial appraisal value of the property. Community Development Director Divita stated \$52,000. Alderman Baker stated that would be an empty lot he would presume. Development Director Divita questioned the appraisal due to being a one-acre lot. The City's appraiser said he valued it low due to the close proximity to the railroad tracks. Alderman Baker stated \$60,000 is low and he has no problem with going up to \$200,000.

Alderman Noreiko asked what the disadvantage is of waiting two weeks to receive more information. Alderman Baker stated, in his opinion, we could end up with the only option of Yen Ching at \$660,000 to accomplish what we need to accomplish.

Alderman Snow stated \$65,000 is low but he is comfortable with up to \$100,000. He believes it's best to wait a couple of weeks for further information. If something could be done in the meantime, he would be willing to increase the offer somewhat.

Alderman Marquardt stated he believes \$60,000 is low and \$100,000 is more than fair in his estimation. He would consider raising the negotiating level. Alderman Marquardt stated on the other hand he doesn't want to pay \$660,000 for Yen Ching. He would be inclined to go with Alderman Baker on the increase for negotiating.

Alderman Jacobson stated it's important to know what is owed on the property and what it is going into foreclosure for. He also stated the City has no position to work with the bank at this short notice. Alderman Jacobson stated in the next couple of weeks, it is possible to look into this and find out why the property owner feels it worth \$200,000.

Mayor Rey inquired if any Council members is of the mind to act on this before two weeks.

Alderman Finucane stated at this point he is inclined to obtain more information.

Alderman Baker believes a future Council will spend \$400,000 - \$600,000.

Alderman Finucane stated continuing to gather information over the next two weeks is the way to go. He doesn't think anything will happen within that time frame, but he wouldn't object if City staff continued to stay in touch with the property owner.

City Attorney Frieders stated the sheriff's sale is scheduled so it's passed the redemption date. Alderman Baker stated so the sale is going to happen no matter what is paid towards the mortgage. City Attorney Frieders stated that is correct.

Mayor Rey asked City Manager Gaura if she is clear on the directive of the Council. She stated she is and if any Council member has questions in the next couple of weeks they can contact her or Community Development Director Divita.

PERSONNEL 5 ILCS 120/2(c)(1) (Released: July 8, 2019)

This item was tabled and will be discussed at the May 26, 2015, Executive Session of the regular Council meeting.

ADJOURNMENT

Alderman Finucane motioned to return to open session, seconded by Alderman Jacobson. Motion carried on a voice vote. Council returned to open session at 6:07 p.m.

JULIE ABRAHAM
Deputy City Clerk



Approved: August 24, 2015
Partial Release: July 8, 2019
Full Release: March 22, 2021

**MINUTES
CITY OF DEKALB
REGULAR MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
MAY 26, 2015**

The City Council of DeKalb, Illinois, held an Executive Session on May 26, 2015, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The Executive Session was called by a majority vote of the City Council at the Regular Meeting of the same day.

The executive session started at 7:09 p.m. Council members in attendance were Alderman David Jacobson, Alderman Bill Finucane, Alderman Michael Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman David Baker, Alderman Monica O'Leary, and Mayor John Rey. Absent at roll call were: None

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Finance Director Cathy Haley, Community Development Director Ellen Divita, Deputy Clerk Ruth Scott, and Deputy Clerk Julie Abraham.

PURCHASE OR LEASE OF REAL PROPERTY – 5 ILCS 120/2(c)(5) (Released: July 8, 2019)

This is a continued discussion from the May 26, 2015, Committee of the Whole Executive Session.

Alderman Jacobson reviewed property information online and saw it is a mortgage issue not a tax issue. The taxes are paid in full so it can still be redeemed and the bank can pull it from sale up until the date of the sale.

Community Development Director Divita left the meeting at 7:15 p.m.

PERSONNEL – 5 ILCS 120/2(c)(1)

City Manager Gaura stated MPA Intern Jared Heyn has completed his two years. Two new internships will be starting in June.

City Manager Gaura is asking for the Council's consideration to retain Jared Heyn until he finds another job, or the Public Works Director position is filled, whichever comes first. She gave an overview of the status of the Public Works Department and how retaining MPA Intern Heyn would be beneficial.

Alderman Snow has no problem with this request.

Alderman Noreiko asked if Management Intern Heyn was not available to help with projects and such at Public Works what would be the consequences. City Manager Gaura stated longer completion time on projects, longer work hours for City Engineer/Interim Public Works Director Laskowski, but the work will still get done, it's just a matter of how timely it will get done.

Mayor Rey inquired that if Management Intern Heyn is continuing as an intern will there be recruitment of additional interns. City Manager Gaura stated there are two new interns starting in June.

Alderman Snow asked if both interns are first year. Assistant City Manager Hoppenstedt stated yes. Alderman Snow asked if there was a way to get a second-year intern and keep on the rotation. Assistant City Manager Hoppenstedt stated it was the intent to get a second-year intern but not all the offers made by the City were accepted and the City was unfortunately not able to get a first- and second-year intern.

Alderman Snow stated he understands that a first-year intern could leave after one year and that it's not easy to keep a sequence going.

Alderman Finucane provided background on the MPA internship program.

City Manager Gaura indicated that she is able to move forward with Management Intern Heyn continuing with the City under her authority.

ADJOURNMENT

Alderman Jacobson motioned to return to open session, seconded by Alderman O'Leary. Motion carried on a voice vote. Council returned to open session at 7:24 p.m.

JULIE ABRAHAM
Deputy City Clerk



Approved: August 24, 2015
Partial Release: July 8, 2019
Full Release: March 22, 2021

**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
JUNE 22, 2015**

The City Council of DeKalb, Illinois held an Executive Session on June 22, 2015, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The Executive Session was called by a majority vote of the City Council at the Committee of the Whole meeting of the same day.

The Executive Session started at 5:34 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Michael Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman David Baker, Alderman Monica O'Leary, and Mayor John Rey.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Finance Director Cathy Haley, Police Chief Gene Lowery, Community Development Director Ellen Divita, and Deputy Clerk Julie Abraham.

PURCHASE OR LEASE OF REAL PROPERTY – 5 ILCS 120/2(c)(5)

City Manager Gaura stated this is a follow up discussion regarding the acquisition of 622 W. Lincoln Highway and asked Community Development Director Divita to give an overview.

PENDING OR IMMINENT LITIGATION – 5 ILCS 120/2(c)(11)

Finance Director Haley gave an overview of the City's investment with the Illinois Metropolitan Investment Fund (IMET) and the recent fraudulent activity. City Attorney Frieders stated that IMET is attempting to recover investments on behalf of hundreds of municipalities and taking every action possible including seeking assets, forfeiture, and sale. Finance Director Haley added that the City is still earning interest on monies invested.

Mayor Rey asked how the City's investment would be affected if it were to liquidate and/or withdraw investments. City Attorney Frieders stated the City's portion of the loss is \$500,000. IMET has stated they will take the equivalent of \$400,000 out of the account and put in a placeholder account. Then the amount recovered by IMET will be distributed prorata to all affected municipalities.

Alderman Finucane asked Finance Director Haley the chances of full recovery of the investment. Finance Director Haley replied she believes the City will recover a good portion but 100% is unlikely. City Attorney Frieders stated all personal assets of the person committing the fraud have been liquidated which has produced the disbursements the City has received to date.

Alderman Finucane asked if there is any way to be made whole. City Attorney Frieders stated there are a group of municipalities in the same position as the City. One of the ways IMET is pursuing to make parties whole is the United States Department of Agriculture (USDA) loan guarantee. The USDA has acknowledged liability and have gone through the full administrative process. IMET is in the process of filing suit against the USDA and it is anticipated to go forward. It does not appear that IMET violated any of its obligations to the City or that IMET would have any direct liability to the City. The liability is with the company that went under and the USDA.

Alderman Snow asked if the City is sufficiently diversified at this point with the remaining funds. Finance Director Haley stated the City has a large sum in the Illinois Funds. At this time, it is more of a working treasury through the State of Illinois, but it is fully collateralized.

PURCHASE OR LEASE OF REAL PROPERTY – 5 ILCS 120/2(c)(5)

City Manager Gaura provided background information regarding the acquisition of the property located at 622 W. Lincoln Highway. Community Development Director Divita stated an appraisal has been completed with a value under \$60,000. At a prior Executive Session, the Council authorized a not to exceed offer of \$65,000 subject to final approval. The property owner's counteroffer was over \$200,000. The property is under foreclosure with an auction scheduled for July 9, 2015. The property owner asked Community Development Director Divita if the property would be used for commercial purposes. She stated no, the comprehensive plan called for housing. A partial appraisal indicates the commercial value of the property to be approximately \$400,000. The property owner stated he needs to determine his options and would contact the City. To date, Community Development Director Divita has not heard back from him. A hotel operator has contacted the property owner and surrounding property owners. The hotel operator stated he received no reply from the property owner but did for the surrounding owners. The City contacted the property owner to let him know the City has also talked to the developer and that if it did the property were to go commercial it would need to be rezoned. At this time, the Council needs to determine if the property goes commercial, should the City re-counter the offer based on the commercial value.

City Manager Gaura stated she is unaware of conversations held prior to her employment with the City but based on conversations she has had with Chief Lowery she believes it is in the best interest of the City long-term to have at least one parcel to the east or west of the police station. The police station is a landlocked building and there are known parking issues. Initially, the parcel to the west was looked at; however, the parcel to the east then became available and it was thought to be more cost effective to possibly obtain that parcel.

City Manager Gaura stated the reason it has been brought back to the Council is to find out if the Council is still interested in acquiring the property with the new information provided. If this goes forward and if the property were to be rezoned commercial, there could be coordination between the City and the developer. Other options that have been discussed is moving detention and the possibility of shared detention in the future. City Manager Gaura asked for directive of how the Council would like to move forward and suggested to remain involved to see if there is any potential. Per previous direction, the Council had approved a threshold.

Alderman Baker stated that based on previous discussions with this Council, he believes anything under \$200,000 is a bargain. Alderman Baker stated he was uncertain what his answer is in regards to 622 W. Lincoln Highway and needs more time to think about it. Previously he was told by Norma Guess that by law if three properties were assembled and they then had a combined total of three acres the City is unstoppable not to allow the property to go commercial. City Attorney Frieders stated he believes this is a conversation outside of the realm of Executive Session and will follow up with Alderman Baker. Alderman Baker stated the Council needs to know because what we are talking is with this one lot blocking the acquisition of three lots for a hotel. City Attorney Frieders asked Alderman Baker if he believes it impacts the value of this property in terms of what the City should offer. Alderman Baker stated yes, based on the answer to this question, if the developer can go down the street and grab those other three properties that's fine. City Attorney Frieders stated the Unified Development Ordinance (UDO) has different

treatment for parcels and does contemplate different zoning centers depending on size. If it's under a minimum size, it's more challenging to assemble lots and have them be combined for one single use. The zoning analysis ultimately is the same.

Alderman Jacobson asked what the minimum Planned Unit Development (PUD) acreage is. Community Development Director Divita stated two acres.

Alderman Baker stated that this lot being able to be purchased as residential is the reason he stated let's get the owner to complete a letter stating what he would sell it for and then we could have just accepted it. Alderman Baker thinks the owner has a strong argument because the City paid commercial rate for everything else. City Attorney Frieders stated there is no discussion or contemplation of condemning it so the City does not have to pay a certain price, the City is not compelled to pay commercial value. The property owner is not compelled to take a low offer from the City, it is whatever the parties agree to. If it's an arm's length sale, the City wants to buy and the property owner wants to sell, the price can be what the two parties agree on. Alderman Baker stated if the developer grabs all three houses in a row, can the City stop it from being commercial? Should a discussion take place to decide if the Council wants it to be commercial? Does the Council have the legal right to say no if we don't want that to be commercial? City Attorney Frieders stated there is no legal right to say no unless it's an annexation. It is a rezoning; the site plan would need to be reviewed and evaluate the zoning factors that were applicable. Alderman Baker stated based on what he just heard, maybe the City better just grab the property for whatever we need to pay so we don't lose that option.

City Manager Gaura stated there is no need for the Council to make a decision tonight. The Council can take time to think about it and discussed it more at the June 8, 2015, meeting. City staff is available to answer questions the Council may have.

Alderman Jacobson asked if the developer has made an offer. Community Development Director Divita stated she believes the developer has made an offer. Alderman Jacobson then stated as far as we know it's still going to sheriff's sale in July, correct? City Attorney Frieders stated July 9. Alderman Finucane asked if the developer has put an offer on one or all three properties. Community Development Director Divita stated she doesn't know if an offer has been given to all three but does know the developer has spoken to all three property owners.

Alderman Noreiko asked for clarification on what PUD stands for. City Attorney Frieders responded Planned Unit Development.

Alderman Snow asked if we have a sense of what the property owner will accept at this point. Before the property owner asked for \$200,000 and without a lawyer, he has changed that figure. Alderman Baker stated he would authorize \$200,000 because maybe the City's offer would be the easiest decision for the property owner to make based on his situation.

City Attorney Frieders stated for the record what we are talking about is negotiating authority with the understanding that any offer made would be contingent upon on final approval which would take action by the Council in open session.

City Manager Gaura stated what we could do over the next two weeks before the June 8 Council meeting is reach out to the property owner to have further discussion in light of the fact that this potential hotel is now in the mix and come back to the Council with a sense of what the property owner might accept and also address what Alderman Jacobson pointed out which is the

foreclosure sheriff's sale on July 9. This discussion was brought back to the Council to be made aware of the different options but didn't want the Council to feel based on an Alderman's comments that action had to be taken tonight unless the Council chooses to provide action steps.

Alderman Baker stated there are still at least one or two properties the developer could obtain.

Mayor Rey asked Alderman Baker it was his thought are to authorize \$200,000. Alderman Baker stated yes, and he doesn't believe it would stop the development of a hotel, if it is decided to go that route.

Alderman Finucane asked if the foreclosure amount is known. City Attorney Frieders stated no and the City found out about the sheriff's sale scheduling today (May 26, 2015). The City does not yet have a copy of the judgement order but it can be obtained before the next Council meeting. Alderman Baker stated it's certainly cheaper than Yen Ching. Alderman Jacobson asked what the last purchase price was. City Attorney Frieders stated he would look into it. Community Development Director Divita stated the property owner said it's been in the family for generations.

Alderman Finucane asked the non-commercial appraisal value of the property. Community Development Director Divita stated \$52,000. Alderman Baker stated that would be an empty lot he would presume. Development Director Divita questioned the appraisal due it to being a one-acre lot. The City's appraiser said he valued it low due to the close proximity to the railroad tracks. Alderman Baker stated \$60,000 is low and he has no problem with going up to \$200,000.

Alderman Noreiko asked what the disadvantage is of waiting two weeks to receive more information. Alderman Baker stated, in his opinion, we could end up with the only option of Yen Ching at \$660,000 to accomplish what we need to accomplish.

Alderman Snow stated \$65,000 is low but he is comfortable with up to \$100,000. He believes it's best to wait a couple of weeks for further information. If something could be done in the meantime, he would be willing to increase the offer somewhat.

Alderman Marquardt stated he believes \$60,000 is low and \$100,000 is more than fair in his estimation. He would consider raising the negotiating level. He doesn't believe we want a hotel immediately next to the police station. Alderman Snow states if the property has high commercial use and we wouldn't want to stop it based on that. Alderman Marquardt agreed with Alderman Snow. Alderman Marquardt stated on the other hand he doesn't want to pay \$660,000 for Yen Ching. He would be inclined to go with Alderman Baker on the increase for negotiating. Alderman Baker stated at commercial value its \$11-\$14 a square foot and that's a full acre lot, possibly larger. His personal property located in that area is 40,000 square feet and was last appraised at \$228,000. At the lowest when the market was down it valued at \$141,050. Certainly, commercial is where you have to worry about the value coming in. Community Development Director Divita stated farmland is selling for \$11,000-\$12,000. Alderman Jacobson stated Dollar General sold for approximately \$400,000 for three-fourths of an acre. Alderman Baker had Copy Service appraised to sell and the value was \$710,000 for one-third of an acre. He stated commercial value is what the City is up against. If the City could get the property for less than commercial value, it's money in the bank. He believes the next three lots will be commercial in the future.

Alderman Jacobson stated it's important to know what is owed on the property and what it is going into foreclosure for. If the property owner owes \$210,000 and needs \$200,000, it's unlikely for the property owner to accept the offer. Alderman Baker stated the homeowner cannot even accept

\$200,000 if that is the case. Alderman Jacobson stated the City has no position to work with the bank at this short notice. Alderman Snow stated it would have been hard for the property owner to get a loan at that value with the current zoning of the lot. If the property owner owes money, it may be on other items and not tied to the mortgage. Alderman Jacobson stated in the next couple of weeks, it is possible to look into this and find out why the property owner feels it worth \$200,000. Community Development Director Divita stated the property owner stated the 2008 appraisal was \$127,000. She believes he is looking to pay off his mortgage and to be able to find another place to live.

Mayor Rey inquired if any Council members is of the mind to act on this before two weeks.

Alderman Finucane stated at this point he is inclined to obtain more information. He is not ready to spend \$200,000 for a parking lot. It would be different if we thought we could get it for that and if the development were to happen, we could turn around and then either use it as an enticement or as for profit to sell it. Alderman Baker stated as a commercial parking lot located across from NIU, the City could possibly charge to park there. That lot should easily be engineered for many parking spots. Alderman Finucane stated he understands that but what we are discussing is a parking lot for the police station not a public parking lot that we are going to collect fees. Alderman Baker stated perhaps we could do both. He then asked Police Chief Lowery how many spaces the police station needs. Police Chief Lowery stated part of the design for the police station was for trainings and when a training is held, there are no available parking places. The police receive free training if they host the training. Chief Lowery stated that when this property was first spoke of it wasn't just for parking, it was also for a potential firing range as well. Chief Lowery believes as much parking we can put on the lot is beneficial.

Alderman Baker believes a future Council will spend \$400,000 - \$600,000.

Alderman Finucane stated continuing to gather information over the next two weeks is the way to go. He doesn't think anything will happen within that time frame, but he wouldn't object if City staff continued to stay in touch with the property owner. Alderman Baker stated maybe the hotel in the meantime will end up getting all three lots under contract or offers to make payments on the mortgage to stay off of foreclosure and the City has lost its option. Alderman Finucane stated he understands but also pointed out the hotel would need to come to the City to be approved and that could give the City an opportunity to make an agreement with the hotel for occasional use of parking.

City Attorney Frieders stated the sheriff's sale is scheduled so it's passed the redemption date. Alderman Baker stated so the sale is going to happen no matter what is paid towards the mortgage. City Attorney Frieders stated that is correct.

Mayor Rey asked City Manager Gaura if she is clear on the directive of the Council. She stated she is and if any Council member has questions in the next couple of weeks, they can contact her or Community Development Director Divita.

PERSONNEL – 5 ILCS 120/2(c)(1)

Not discussed at this meeting.

ADJOURNMENT

Alderman Finucane motioned to return to open session, seconded by Alderman Jacobson. Motion carried on a voice vote. Council returned to open session at 6:07 p.m.

JULIE ABRAHAM
Deputy City Clerk



Approved: August 24, 2015
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
EXECUTIVE SESSION OF CITY COUNCIL
AUGUST 10, 2015**

The City Council of DeKalb, Illinois, held an Executive Session on August, 10 2015 in the DeKalb Municipal Building; 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Committee of the Whole Meeting of the same day.

The session started at 5:24 p.m. Council members in attendance were: Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Bob Snow, Alderman Dave Baker, and Mayor John Rey. Council members absent at roll call were: Alderman Dave Jacobson (arrived 5:27 p.m.) and Alderman Monica O'Leary.

Also present were: City Manager Anne Marie Gaura, City Attorney Dean Frieders, Police Chief Gene Lowery, Deputy City Clerk Ruth Scott, and City Clerk Jennifer Jeep Johnson.

EXECUTIVE SESSION MINUTES 5 ILCS 120/2(c)(21)

City Attorney Dean Frieders provided a brief overview of the requirements for Executive Session minute review, as provided for in the Open Meetings Act. He explained that Council has typically reviewed the minutes on a 6 month basis, but would be changing to reviewing them every 4 months.

Alderman Baker raised a question regarding the process by which Council reviews the Executive Session minutes, and discussion ensued.

Mayor Rey made clear that Council members may review the minutes any time, as they are available via Deputy City Clerk Scott.

Alderman Baker asked to see the minutes, and Deputy City Clerk Scott Ruth Scott retrieved them. They were passed around to Council members for review.

PENDING OR IMMINENT LITIGATION 5 ILCS 120/2(c)(11)

No discussion.

WORKER'S COMPENSATION- 5 ILCS 120/2(c)(2)

City Attorney Frieders discussed the following cases:

1) Hernia Demand: A demand has been made, and anticipated settlement should be within staff spending limits.

2) Disc Protrusion (L5-S1), and leg nerve decompression surgery: a demand has been made, and anticipated settlement will likely exceed staff spending, so will be back before council in executive session for review.

3) Christopher Ziola: Has reached maximum medical improvement from an injury sustained to his right thigh during a firefighter training exercise in 2011. Settlement will exceed staff spending, so will be back before council for approval.

Alderman Baker wanted confirmation that there was no question as to the validity of the aforementioned cases. City Attorney Frieders confirmed the validity of the cases.

PERSONNEL 5 ILCS 120/2 (c)(1)

Police Chief Lowery explained that the department anticipated 6 upcoming vacancies, and that the October Police Academy date would not allow him to fill the vacancies in a timely enough manner.

City Manager Gaura explained she had authorized Police Chief Lowery to fill two of the vacancies in advance of the October academy date.

A brief discussion regarding whether certain measures could be taken to enable timely filling of the vacancies (beyond the two already authorized) followed. Police Chief Lowery explained the existence of a "lateral list," or list of officers who have already completed academy training, that could potentially help fill the vacancies.

Police Chief Gene Lowery left the meeting at 5:42 p.m.

ADJOURNMENT

Alderman Jacobson moved to adjourn the Executive Session; seconded by Alderman Finucane. Motion carried by voice vote. The session was adjourned at 5:43 p.m.



Approved: January 25, 2016
Released: July 8, 2019

**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
EXECUTIVE SESSION OF THE CITY COUNCIL
September 14, 2015**

The City Council of DeKalb, Illinois, held an Executive Session on September 14, 2015 in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority of the vote of the City Council at the Committee of the Whole of the same day.

The session started at 6:04 p.m. Council members in attendance were: Alderman Dave Jacobson, Alderman Bill Finucane, Alderman Michael Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman Dave Baker, Alderman Monica O'Leary, and Mayor John Rey.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Community Development Director Ellen Divita, Principal Planner Derek Hiland, and City Clerk Jennifer Jeep Johnson.

PENDING OR IMMINENT LITIGATION—5 ILCS 120/2(c)(11)

City Attorney Dean Frieders provided an update on the pending Mason Properties lawsuit against the City, regarding the rezoning of University Village. He explained that the petitioners sought a declaratory judgment, but that courts are reluctant to issue them prior to an actual conflict.

The petitioners also filed for a Temporary Restraining Order, the purpose of which is to prevent imminent harm for which there is no remedy. He explained that Judge Brady had not found a basis for a TRO, and also denied the petitioners an opportunity to argue their basis for declaratory judgment.

Attorney Frieders stated that he will work to defend the action of City Council as voted this evening.

Attorney Frieders also explained that Mason Properties had served the City with a formal objection and explained the language of the Ordinance, including the frontage requirements. He reiterated that he is prepared to defend whatever direction the Council takes.

Brief conversation ensued as to the language of the Ordinance upon which Mason Properties filed their objection, as well as the requirements of the vote to follow at the Regular Meeting of City Council, as the vote was challenged in the lawsuit.

Alderman O'Leary left at 6:30 p.m.

Brief discussion ensued as to whether there is any legal advantage to delaying the vote, with Attorney Frieders explaining that the court won't weigh in until there is a justiciable issue. Mayor Rey added that the Council has heard two weeks of public vetting, and that they are ready for a vote.

Alderman O'Leary returned at 6:32 p.m.

Further discussion regarding the subject of the TRO ensued.

Brief Discussion ensued as to the role of the Planning and Zoning Commission, with Attorney Frieders explaining that a rezoning issue should always come before the Council for a vote, and that judicial intervention prior to a vote should never occur.

Alderman Baker expressed his belief of the role of the PZC, with Attorney Frieders clarifying that they are an exclusively advisory. Alderman Baker expressed his belief that discussions between the PZC and the Council prior to a vote are forbidden, with Attorney Frieders stating that he would look into the details of that concern.

ADJOURNMENT

Alderman Jacobson motioned to return to open session; seconded by Alderman O'Leary. Motion carried on an 8-0 voice vote. Mayor Rey declared the motion passed, and Council returned to open session at 6:37 p.m.



Approved: January 25, 2016
Released: July 8, 2019

**MINUTES
CITY OF DEKALB
REGULAR MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
September 28, 2015**

The City Council of DeKalb, Illinois, held an Executive Session on September, 28 2015 in the DeKalb Municipal Building; 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Regular City Council Meeting of the same day.

The session started at 7:42 p.m. Council members in attendance were: Alderman Dave Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Bob Snow, Alderman Dave Baker, and Mayor John Rey. Council member Alderman Monica O'Leary was absent.

Also present were: Acting City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Police Chief Gene Lowery, Fire Chief Eric Hicks, Finance Director Cathy Haley, Attorney Benjamin Gehrt, and City Clerk Jennifer Jeep Johnson.

PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(c)(1) AND COLLECTIVE BARGAINING AS PROVIDED FOR IN 5 ILCS 120/2(c)(2).

Acting City Manager Hoppenstedt provided background for the issue at hand; collective bargaining for dispatchers. It was explained that the dispatcher's union (AFSCME) voted to transition from an 8 hour shift to a 10 hour shift.

Alderman Noreiko inquired as to how the dispatchers would go about signing up for these new shift, with Acting City Manager Hoppenstedt explaining that the practice is currently in place already, and that what is being sought is a codification of the current practice. She further explained that they would be seeking approval from the Council in October.

Attorney Gehrt provided background on the next issue; Health Insurance Negotiations with the Fire Department Union. He explained the agreement currently in place for the coverage for officers and lieutenants, as well as the current road bump to an agreement, which centers on the Cadillac tax under the Affordable Care Act. He provided the following information to help clarify the situation:

- 1) That high deductible health plans are designed to drive down the cost of premiums.
- 2) That if the City is required to pay the Cadillac tax, it will need to decide how to allocate the cost between the City and the employees. The Union is fundamentally opposed to having any contribution by the employees toward the payment of the tax. The design of the high deductible plan is agreed upon by both parties. The philosophical difference on the tax is posing a problem. IAFF agreed to 25%.

Attorney Gehrt requested permission to seek less. He explained that the Union representative thought that a 50/50 split could be reached. He reminded that firefighters are a protected services unit, which means that they could go to interest arbitration, and that an arbitrator is likely to look closely at the different agreements in place between Fire and Police departments, as well as neighboring fire departments.

He further explained that currently, going to arbitration would likely prove unsuccessful for the City, based on arbitration trends regarding this matter.

Attorney Gehrt said that all associations are working closely with the insurance broker, whose projections are that it is unlikely that the City would have to pay a Cadillac tax in 2018, thought that could change.

He advised the City to take the 50/50 deal, rather than expend resources to fight a hypothetical problem that is unlikely to occur. He expressed his opinion that taking the deal would also put the City in a better position when it came to FOP negotiations. He sought consensus from the Council to accept the deal.

Brief discussion ensued as to the benefits of various plan types.

Further discussion ensued as to how such pay increases would be handled by the City, with Attorney Gehrt stating premiums would increase, rather than employees paying the tax directly.

Alderman Noreiko inquired as to whether the broker provided any longer term projections, with Acting City Manager Hoppenstedt explaining that there are many factors to consider, making a long term forecast difficult. Attorney Gehrt explained that rates are supposed to increase every year, but no one knows by how much, so it's nearly impossible to predict. There is also expectation that it might never come to be, or that there might be exemptions, etc.

Attorney Gerht offered that, while the union President thought the proposal acceptable, the membership might not agree. He recommended that an offer of 50/50 payment split be made, along with an HMO plan, which would address a long-time desire of the membership.

Acting City Manager Hoppenstedt added that since the data supports that employees are seeking care 30-40 miles outside the City, they were able to make a nice package for the providers already being sought out. She stated that offering the HMO package will show that the City is doing their part, and expressed her belief that the purchase of Kishwaukee Hospital should prove to offer even more extensive HMO options, locally.

Brief explanation was offered as to a shift in payment of premiums, with the employees now responsible for 20%, shifting away from a percentage of salary, which will provide a long-term benefit to the City, by comparison; not only will the City see a financial benefit, but also an improvement efficiency regarding the administration of the plan.

- 3) Regarding AFSME's plan: It was explained that within their collective bargaining agreement exists a component that is illegal, and is an element that the City must provide come 1/1/16. It was explained that they City would like to offer them the same plan that's being extended to fire, so as not to have to reinvent the wheel. Additionally, AFSME should be offered the HMO plan, as it is part of the City Manager's plan to make sure all employees are included. They City would like to extend them the offer, but does not wish to haggle for the next 12 months.

- 4) Regarding FOP: The City would like to extend the offer to Police as well. While FOP is a more difficult union with which to negotiate, having the other two unions on board might make them more likely to opt-in.

Attorney Gehr added that there is a strong chance FOP will decline, because there isn't a true negotiation.

Consensus was reached to proceed with bargaining, then come back to Council with a formal vote.

Regarding City insurance plans as a City paid benefit/compensation for non-bargaining unit classes of employees as a whole: It was explained that we are looking modernize by including the following: 1) vision plan (completely employee paid) 2) 3 -tier for prescriptions drug co-pay: all cities are being asked to implement such a measure to help drive down costs 3) Life insurance: above and beyond what the City pays for (50k) to be able to buy up to 3X their salary with just a questionnaire (unless something is triggered by the questionnaire that requires additional examination) and would be employee funded, but cost significantly less than seeking it as an individual.

Acting City Manager Hoppenstedt explained that a sideletter would be written to be approved by council.

The Mayor confirmed that Council reached consensus to move forward with the unions.

MOTION

Alderman Baker motioned to conclude executive session; seconded by Alderman Marquardt.

VOTE

Motioned carried on a 7-0-1 voice vote. Mayor Rey declared the motion passed, and ended executive session at 8:29 p.m.



**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
EXECUTIVE SESSION OF THE CITY COUNCIL
October 12, 2015**

The City Council of DeKalb, Illinois, held an Executive Session on October 12, 2015 in the DeKalb Municipal Building; 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Committee of the Whole meeting of the same day.

The session started at 5:44 p.m. Council members in attendance were: Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Bob Snow, Alderman Dave Baker, and Mayor John Rey. Alderman Monica O'Leary was absent. Council member Dave Jacobson arrived at 5:53 p.m.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Finance Director Cathy Haley, and City Clerk Jennifer Jeep Johnson.

COLLECTIVE BARGAINING AS PROVIDED FOR IN 5 ILCS 120/2(c)(2)

Anne Marie Gaura provided background on personnel issues:

She provided two documents explaining financial impact of economic adjustment for non - bargaining unit employees. The document broke-down the impact of moving increases from July to January. They seek consensus for the 2.5% included in the budget.

Assistant City Manager Hoppenstedt explained the documents provided, and asked for consensus.

City Manager Gaura clarified that there used to be two increases per year for non-bargaining unit employees, but that we will only have one economic adjustment this year. Next year, there will be a true performance based system in place.

Assistant City Manager Hoppenstedt noted that it will all be based on performance, with no expectations of a standard increase. She noted that having a Human Resources Director in place is crucial to developing this model.

City Manager Gaura asked for consideration for January 1, 2016, with the compensation adjustments coming back for a future vote by the Council in open session.

City Manager Gaura noted that a discussion on how to evaluate her performance would be handled separately, and Council should decide how best to proceed.

Alderman Noreiko added her opinion that developing the model is only step one, and that training staff on how to apply it is the huge piece that will take time. She added that this will cause great unrest amongst employees.

City Manager Gaura stated that all of the parameters for the performance metric need to be identified before they can be put in place, and that employees need to know sooner than later what is expected of them, in order to avoid some of the unrest to which Alderman Noreiko alluded.

Brief discussion ensued as to the pay increases noted for part-time employees, with City Manager Gaura reminding Council that the increases needed to be implemented in three phases in order to reach the satisfactory range, which Council had previously voted upon.

PERSONNEL—5 ILCS 120/2 (c)(1) *(Released: July 8, 2019)*

- 1) City Manager Gaura announced that Julie Abraham is resigning position based on the amount of stress she is under as a Deputy Clerk.
- 2) City Manager Gaura announced that the first round of interviews for the Public Works Director had been conducted, with no applicant being a good match. She explained that the next round of interviews with a new pool would be conducted soon, highlighting this as a critical issue, going into snow season.

Attorney Frieders explained that attempts to assist and accommodate Ms. Abraham had been made, but were unsuccessful.

Alderman Baker inquired as to whether FOIA processing could be outsourced, with City Manager Gaura explaining that, given the nature of the requests, and that the documents are internal, there wasn't a way to outsource the role.

Alderman Snow expressed his belief that this discussion should be made public so that there can be greater awareness of what the staff undergoes when managing these requests.

City Manager Gaura explained that the City has already surpassed last year's FOIA total, and that the number is growing. She added that not only is the volume increasing in terms of number of requests, but also in the documentation required per requests, creating the conditions that led to Julie Abraham's resignation. She stated that we are tracking the hours spent fulfilling the requests so Council knows approximately how much time is spent by individual staff. She further explained that we currently have 1-½ people fulfilling FOIA requests, but that we really need 1 full time person in order to track FOIAs.

Alderman Baker agreed that this discussion should be brought into open session, and offered that the City Clerk, as an elected official, might be met with less hostility, than staff.

PENDING OR IMMINENT LITIGATION—5 ILCS 120/2 (c)(11) *(Released: March 22, 2021)*

Attorney Frieders provided updates on the following cases:

He explained that there was a suit filed by Mr. Pete Occhipinti regarding whether a special use permit is required for building apartments above a theatre, and that more information would be provided as the suit unfolds.

McKeon and Mason v. City of DeKalb: Attorney Frieders explained the procedural posture of the case, stating that an amended complaint had been filed, along with an injunction; but that the City hadn't yet been served.

MOTION

Alderman Jacobson moved to adjourn Executive Session; seconded by Alderman Baker.

VOTE

Motion carried on a 7-0-1 voice vote. Mayor Rey declared Executive Session concluded at 6:12 p.m.



Approved: January 25, 2016
Partial Release: March 22, 2021
Full Release: December 13, 2021

**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
EXECUTIVE SESSION OF THE CITY COUNCIL
OCTOBER 26, 2015**

The City Council of DeKalb, Illinois, held an Executive Session on October 26, 2015, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority of the vote of the City Council at the Committee of the Whole meeting of the same day.

The session started at 5:40 p.m. Council members in attendance were: Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman Dave Baker, and Mayor John Rey. Alderman Dave Jacobson was absent.

Also present were: City Manager Anne Marie Gaura, City Attorney Dean Frieders, and City Clerk Jennifer Jeep Johnson.

PERSONNEL 5 ILCS 120/2(c)(1) *(Released: July 8, 2019)*

Regarding Julie Abraham's vacancy, it was explained that Jared Heyn would fulfill the role of primary FOIA officer and will hold the title of Management Analyst. The backup FOIA officer will be Lauren Stott.

Currently, the City averages around 20 FOIA requests a month, or around 1 per business day.

Alderman Noreiko brought forth a concern that FOIA requests are expanding exponentially, and that the number and complexity of FOIAs hopefully will not overburden the new role, and adversely impact the performance or employment of Mr. Heyn.

Alderman Baker inquired into the use of a form in order to help streamline the FOIA request process, and Attorney Frieders clarified that as long as it's in writing, they are within the bounds of State law, so we really can't enforce a preferred method of inquiry.

Public Works Director Hiring Update: City Manager Gaura explained that the goal is to fill the position with a person who can lead the department moving forward, including background leading a 5-year Capital Improvement Plan. She emphasized that a community of our size should absolutely have someone with this skill set on staff.

PENDING OR IMMINENT LITIGATION 5 ILCS 120/2(c)(11)

Mayor wants to minimize discussion in a public forum due to the sensitivities at hand.

Attorney Frieders provided updates on the following cases:

- 1) Occhipinti v. City of DeKalb: Mr. Occhipinti seeks to build residences above Blackhawk theatre, which requires a special use permit. The City followed State law by publishing notice that such a permit would be required, in the paper. Mr. Occhipinti argues that he was entitled to a mailed individual notice. The court entered a dismissal based on procedure. He can still file a motion to reconsider, but as of now the case is dismissed.
- 2) Mason Properties v. City of DeKalb: The case has been voluntarily dismissed, though plaintiff has one year to re-file, or challenge any rulings. Currently, the case is "on pause" via plaintiff, and is therefore considered to still be pending and imminent.

The Plaintiff filed a Motion for Preliminary Injunction, with the City filing a Motion to Strike, based on mootness. The Plaintiff filed a voluntary Motion to Dismiss. The City's position is that the votes (8/24/2015, 9/14/2015) followed State law, which will be discussed further in open session.

Brief discussion ensued as to any lingering obligation on the City's part, with Attorney Frieders explaining that it would be highly unlikely.

MOTION

Alderman Marquardt motioned to conclude Executive Session; seconded by Alderman Finucane.

VOTE

Motion carried on a 6-0 voice vote. Mayor Rey declared Executive Session concluded at 6:05 p.m.

JENNIFER JEEP JOHNSON
City Clerk



Approved: January 25, 2016
Partial Release: July 8, 2019
Full Release: March 22, 2021

**MINUTES
CITY OF DEKALB
REGULAR MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
NOVEMBER 23, 2015**

The City Council of DeKalb, Illinois, held an Executive Session on November 23, 2015, in the DeKalb Municipal Building; 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Regular meeting of the same day.

The session started at 10:18 p.m. Council members in attendance were: Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman Dave Baker, and Mayor John Rey. Alderman Dave Jacobson arrived at 10:24 p.m.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, and City Clerk Jennifer Jeep Johnson.

PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(c)(1)

Jamie Smirz: The City is conducting an internal review stating that there have been several personnel violations, and Ms. Smirz has been called in to explain some of the findings to make a final determination on employment status. The City is looking at discipline actions up to and including termination.

Alderman Baker offered that there have been specific instances of worse violations that had never been investigated. He offered that he's glad that there's an investigation into this matter and suggested that some of this be discussed in open session, regarding other personnel matters.

City Manager Gaura stated that she holds employees to a very high standard, and that anything less is a violation of trust.

Alderman Jacobson arrived at 10:24 p.m.

Attorney Frieders offered that the abuses being investigated are significant, but that due to the pending criminal investigation, it is critical not to have any information leave the room as it might jeopardize the investigation.

Tim Holdeman has been hired as Public Works Director. City Manager Gaura recapped the background of the search, and the hiring process. She provided a brief employment history for Mr. Holdeman and highlighted that he will be relocating to DeKalb. She provided overview of some of his accomplishments in his prior position and explained that his first day will be December 14, 2015.

MOTION

Alderman Jacobson moved to conclude Executive Session; seconded by Alderman Marquardt.

VOTE

Motion carried on a 7-0 voice vote. Mayor Rey declared the motion passed, and concluded executive session at 10:33 p.m.

JENNIFER JEEP JOHNSON
City Clerk



Approved: January 25, 2016
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
EXECUTIVE SESSION OF THE CITY COUNCIL
DECEMBER 14, 2015**

The City Council of DeKalb, Illinois, held an Executive Session on December 14, 2015, in the DeKalb Municipal Building; 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Committee of the Whole meeting of the City Council of the same day.

The session started at 5:25 p.m. Council members in attendance were: Alderman Dave Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman Tony Faivre, and Mayor John Rey. Alderman Baker arrived at 5:30 p.m.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Tony Faivre, and City Clerk Jennifer Jeep Johnson.

PERSONNEL 5 ILCS 120/2(c)(1)

City Manager Anne Marie Gaura provided an update on the investigation into City employee Jamie Smirz. Assistant City Manager Patty Hoppenstedt advised of the termination of Ms. Smirz.

Assistant City Manager Hoppenstedt provided background on the investigation, explaining that the grievances against Ms. Smirz included excessive use of email during work hours that were of a personal nature, and non-business matters. These emails were sent during the course of the workday. Ms. Smirz had also installed software to communicate with friends and family throughout the workday and used it excessively.

Assistant City Manager Hoppenstedt also explained that Ms. Smirz used her City issued cell phone excessively for personal matters. Ms. Smirz also had personal documents that were created, edited, and saved on her work computer, during work hours.

All of these matters combined led to the decision that excessive personal activity had been conducted during work hours and led to termination. Ms. Smirz was officially terminated on December 2, 2015.

Alderman Snow inquired as to the personal use policy of the City, with Assistant City Manager Hoppenstedt clarifying that it was the excessive nature of these violations that was the major problem.

She also clarified that Ms. Smirz had wiped her phone of data, which is a violation of the City's policy.

City Attorney Frieders clarified that the policies desperately require updating.

Alderman Noreiko inquired as to whether there had been any warnings in her personnel file, with Assistance City Manager Hoppenstedt stating that the extent of her productivity issues were unknown until IT investigated the matter.

Alderman Baker suggested that this is a systemic problem and suspects that there is more of these issues to be addressed. Assistant City Manager Hoppenstedt agreed that there need to be stronger policies to enforce.

City Attorney Frieders said that, due to FOIA requests that brought to light that there were some personal use issues to address, there has been a concerted effort to snuff out abuses of City resources.

City Manager Gaura verified that she holds employees to a high standard, and that any issues on this matter will be addressed.

Alderman Baker reiterated instances of which he was aware regarding abuse of City time and reiterated that potential conflicts need to be disclosed.

City Manager Gaura said that policies do need to be strengthened and suggested that the Aldermen should always feel free to come to her with any concerns.

Mayor Rey offered that Community Development Director Ellen Divita has picked up some of Ms. Smirz's responsibilities and is reviewing how to structure the position moving forward.

REVIEW OF EXECUTIVE SESSION MEETING MINUTES 5 (LCS 120/2(c)(21))
(Released: July 8, 2019)

City Attorney Frieders provided background on Executive Session review, and Council reviewed the minutes from August 10, 2015, through November 23, 2015.

City Attorney Frieders explained to Alderman Faivre the purpose of reviewing Executive Session Minutes.

Consensus was reached to include them on the next agenda.

MOTION

Alderman Jacobson motioned to conclude Executive Session; seconded by Alderman Marquardt.

VOTE

Motion carried on an 8-0 voice vote. Mayor Rey declared the motion passed, and concluded Executive Session at 5:50 p.m.

JENNIFER JEEP JOHNSON
City Clerk



Approved: January 9, 2017
Partial Release: July 8, 2019
Full Release: March 22, 2021



EXECUTIVE-CLOSED SESSION MINUTES INDEX

2016		Recommendation for Release	
		Yes	No
January 11, 2016 (Regular) Approved: June 27, 2016	Executive Session Minutes	Released: March 22, 2021	
	Security Procedures	X	
February 8, 2016 (Regular) Approved: June 27, 2016	Collective Bargaining	X	
	Personnel	X	
February 22, 2016 (COW) Approved: June 27, 2016	Personnel	Released: March 22, 2021	
March 14, 2016 (COW) Approved: June 27, 2016	Pending or Imminent Litigation	Released: March 22, 2021	
	Purchase or Lease of Real Property	Released: March 22, 2021	
March 28, 2016 (COW) Approved: June 27, 2016	Collective Bargaining	Released: March 22, 2021	
	Purchase or Lease of Real Property		
April 11, 2016 (COW) Approved: June 27, 2016	Acquisition of Property	Released: March 22, 2021	
	Collective Bargaining	X	
	Personnel	X	
April 25, 2016 (COW) Approved: June 27, 2016	Pending or Imminent Litigation	Released: March 22, 2021	
	Personnel		
May 9, 2016 (COW) Approved: June 27, 2016	Personnel	Released: March 22, 2021	
June 13, 2016 (COW) Approved: January 9, 2017	Collective Bargaining	X	
	Executive Session Minutes Review	Released: March 22, 2021	
	Pending Litigation	Released: July 9, 2018	
July 25, 2016 (COW) Approved: January 9, 2017	Collective Bargaining	X	
August 8, 2016 (COW) Approved: January 9, 2017	Personnel	Released: March 22, 2021	
August 22, 2016 (Regular) Approved: January 9, 2017	Collective Bargaining	X	
	Pending or Imminent Litigation	Released: March 22, 2021	
September 26, 2016 (Regular) Approved: January 9, 2017	Personnel	Released: March 22, 2021	
	Purchase or Lease of Real Property		
October 24, 2016 (COW) Approved: January 9, 2017	Personnel	Released: March 22, 2021	
November 14, 2016 (COW) Approved: January 9, 2017	Personnel	X	
November 28, 2016 (COW) Approved: April 24, 2017	Collective Bargaining	X	
	Deliberations Regarding Salary Schedules	X	
	Personnel	X	
December 12, 2016 (COW) Approved: April 24, 2017	Collective Bargaining	Released: March 22, 2021	
	Personnel		
	Review of Executive Session Minutes		
December 12, 2016 (Regular) Approved: April 24, 2017	Collective Bargaining	X	
	Review of Executive Session Minutes	Released: March 22, 2021	

Audio recordings of the 2016 Executive Session meetings destroyed August 9, 2019, as per Resolution 2019-110.

**MINUTES
CITY OF DEKALB
REGULAR MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
JANUARY 11, 2016**

The City Council of DeKalb, Illinois, held an Executive Session on January 11, 2016 in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Regular meeting of the City Council of the same day.

The session started at 8:11 p.m. Council members in attendance were: Alderman Mike Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman Tony Faivre, and Mayor John Rey. Alderman Dave Jacobson arrived at 8:14 p.m. Alderman Dave Baker was absent.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Finance Director Cathy Haley, Police Chief Gene Lowery, and City Clerk Jennifer Jeep Johnson.

PERSONNEL 5 ILCS 120/2(c)(1)

Not acted upon.

SECURITY PROCEDURES 5 ILCS 120/2(c)(8)

Security Procedures: Police Chief Lowery provided background information on technology improvements that have been made over the last several years. He offered an opinion that while the IT employees of the City are hardworking, the needs of the City have grown beyond their current capabilities. He added that without the infrastructure to support it, technology is not beneficial.

Police Chief Lowery reported the following incident rate: Ten servers had three hard drives fail within it. This technology works by constantly mirroring each other to back up the information within it. This type of failure is an almost unheard of occurrence. The data contained therein included videos for City Hall and squad car video (for evidentiary purposes), and were erased. He emphasized how important these videos are.

The Police Department spent thousands of dollars to recover only 80% of the data, and had to spend additional money to send the backup out in an attempt to recover the rest. He offered that police body cameras should be seriously considered for incorporation, and are in his view, a necessity. He warns against catastrophic failures, and says the current IT people are not capable of servicing this network. The amount of storage space you need to store videos is astronomical, with additional protection standards required because the data is used for evidentiary purposes. Currently, the City's equipment is insufficient and he feels Council will have to make decisions on how to remedy this issue, and soon.

City Attorney Frieders addressed the personnel issues raised by Chief Lowery, and reiterated the importance of the footage Chief Lowery alluded to, explaining that whether for exculpatory or convicting evidence, it can be critical. He added that losing this kind of data could threaten public safety by allowing criminals back onto the streets. He briefly explained chain of evidence, and how losing this data could potentially prevent evidence from being presented in court.

Chief Lowery reemphasized how vitally important to policing, and criminal justice this kind of data is. He encouraged Council to examine what options are available as a solution.

City Manager Gaura stated that the goal of this session was to bring attention to the personnel issue, as well as the underlying security concerns. There will be public conversations regarding this issue, and additional personnel issues may be raised in the future. It is a complicated situation to be addressed on multiple levels.

EXECUTIVE SESSION MINUTES 5 ILCS 120/2(c)(21) (Released: March 22, 2021)

City Attorney Frieders provided background on this issue, stating that the City was contacted by the Department of Justice to address whether City was complying with federal law, as it pertains to the Open Meetings Act.

Attorney Frieders explained the non-binding decision of the Attorney General, which encouraged consideration of releasing the minutes from the executive session minutes in question. Additionally, the Attorney General supported release of the partial tape recording of the meeting in question.

Attorney Frieders recommended the partial release per the Attorney General and wanted to bring it up in Executive Session so it didn't appear as a surprise on the next agenda.

Alderman Noreiko wondered whether DeKalb, or other municipalities, have ever done a partial release, with Attorney Frieders answering that Dekalb has not, and other municipalities in general do so at the direction of the Attorney General.

Brief discussion ensued as to redacting information, versus partial release.

Alderman Marquardt inquired as to whether the release would just be written, with Attorney Frieders confirming, adding that an additional FOIA for the audio could follow.

Brief discussion ensued as to the nature of the underlying request leading to the FOIA. City Manager Gaura added additional insight as to the concerns of the citizen who made the FOIA request.

City Manager Gaura stated for the record (in reference to a citizen remark made at the Committee of the Whole of the same day) that she has lived in DeKalb for about a year, adding that she still owns a house in North Aurora. She stated her intent of looking into the Homestead Exemption tax issue, raised earlier in the night.

MOTION

Alderman Snow moved to adjourn executive session; seconded by Alderman Faivre.

VOTE

Motion carried on a 7-0-1 voice vote. Mayor Rey declared the motion passed, and concluded executive session at 8:46 p.m.

JENNIFER JEEP JOHNSON City Clerk



**MINUTES
CITY OF DEKALB
REGULAR MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
FEBRUARY 8, 2016**

The City Council of DeKalb, Illinois, held an Executive Session on February 8, 2016, in the DeKalb Municipal Building, 200 South Fourth Street, Room 201, DeKalb, Illinois. The Executive Session was called by a majority vote of the City Council at the Regular Meeting of the same day.

The Executive Session started at 7:42 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman Dave Baker, and Alderman Anthony Faivre, and Mayor John Rey

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Finance Director Cathy Haley, Police Chief Gene Lowery, Attorney Ben Gehrt, and Deputy City Clerk Ruth Scott.

PERSONNEL 5 ILCS 120/2(c)1 and COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2)

Assistant City Manager Hoppenstedt explained that it was recently brought to the attention of union leadership that a recent new hire did not receive vacation in lieu of holiday. The Finance Department researched the issue and discovered that the City was inconsistently applying contract language.

Assistant City Manager Hoppenstedt stated to Council that she recommends a side letter as it relates to this matter.

Attorney Gehrt added that instead of traditional holidays, officers receive vacation. Unfortunately, the City has been inconsistent in application with new hires.

Attorney Gehrt also stated that City staff are trying to improve the relationship with the FOP, which is historically difficult. Currently, City staff are reaching out to have construction dialogues. He also mentioned that the side letter would be presented at an upcoming City Council meeting.

Alderman Finucane asked if vacation in lieu of a holiday was the same as comp time. Attorney Gehrt confirmed it was.

Alderman Jacobson asked if officers were already receiving a benefit for working the holiday. Police Chief Lowery stated he doesn't believe so. Attorney Gehrt confirmed.

Brief discussion ensued.

Alderman Faivre asked if there were other officers that didn't receive the benefit. Assistant City Manager Hoppenstedt stated she believes there are two others. However, there will be nothing retroactive and it will be written into side letter that retribution cannot be sought.

Alderman Finucane asked how many holidays are in the in FOP contract. Attorney Gehrt replied 112 hours.

Brief discussion ensued regarding what holidays are identified.

Assistant City Manager Hoppenstedt stated that the AFSCME, FOP, and IAFF employees do not accrue vacation or sick time. Instead, they receive a lump sum every January. A proposal of accrued time will be offered in new contract negotiations.

There was discussion regarding time earned and time accrual.

City Manager Gaura stated that the FOP contract expires June 30, 2016 and City staff are preparing for negotiations.

Assistant City Manager Hoppenstedt stated that once negotiations start, Council will be updated regularly.

City Manager Gaura added that a list of issues will be provided to Council prior to the start of negotiations.

There was a general consensus for City staff to move forward as recommended.

Finance Director Haley left the meeting at 8:34 p.m.

PERSONNEL 5 ILCS 120/2(c)1 AND COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2)

City Attorney Frieders began the discussion by explaining that a firefighter had suffered an injury in 2015 and there is probability of litigation.

Assistant City Manager Hoppenstedt explained that on February 17, 2015, a firefighter responded to active fire where he fell on the ice hit his head. Significant injuries were sustained and a worker's compensation claim was filed. A claim was also filed with CCMSI.

There was need of a closer review of the injury, facts and result of the investigation. As a result, there were findings that were inconsistent with the restrictions placed on the firefighter. Further, his behavior and activity were inconsistent with the restrictions.

Attorney Gehrt stated that during the City's investigation, there were concerns that there was evidence that there may be some inconsistent activities with restrictions.

Attorney Gehrt further stated that the firefighter has applied for a disability pension, however, through speaking with him, something isn't right. In order to reach an amicable resolution, negotiations with the firefighter are in process so he can receive his disability pension, but he will be asked to resign his position. If he were to get better, he wouldn't be able to return to the City. The agreement being contemplated would be at no cost to the City. The City would be foregoing a potential counter claim with regard to some of the benefits he would receive. Attorney Gehrt noted that it would not be beneficial to the City to "sue an employee".

City Attorney Frieders stated this was being brought to the Council's attention, but not something where City staff is seeking a consensus.

There was a brief discussion regarding the differences between a disability pension and retirement pension.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2)

Attorney Gehrt explained that Police Chief Lowery had the opportunity to reduce overtime costs by eliminating shift preparation, a long standing practice. Police Chief Lowery met with the union president who stated the change was acceptable. However, Richard Stomper of the FOP stated the change had to go through him in order to be made, filed a grievance, and scheduled an arbitration hearing.

Police Chief Lowery also explained that he would like to streamline the rank structure by eliminating corporal positions and making them sergeants. By doing so, there would be a net savings of \$6,700. A handout regarding overtime data was provided to Council.

Police Chief Lowery also explained that eliminating the position of corporal would have to go through the Police Commission. He also explained the process for hiring a sergeant. The promotion from corporal includes an interview and permission from the Police Chief. Depending on the Chief, someone could be promoted to a supervisory position without going through testing.

Police Chief Lowery stated he doesn't think it's something to be done by Union but by the Police Commission. Someone not properly vetted is not good for the City. The Police Commission's process is fair. Under current language, the position of corporal is a permanent promotion. Elimination of the position of corporal will not reduce the number of supervisors.

Police Chief Lowery also stated that the corporal model of policing is very old. Based on his perception, he recommends the conversion at this time.

Alderman Noreiko asked if the three corporals have to go through the Police Commission. Chief Lowery stated they are on the current eligibility list.

Alderman Snow asked how much overtime data was reviewed. Assistant City Manager Hoppenstedt replied six months.

Police Chief Lowery stated the Police Department was doing a good job of eliminating overtime.

Alderman Jacobson asked if eliminating the position of corporal would remove it from the bargaining agreement. Attorney Gehrt replied that the side letter would specify the position would be eliminated permanently.

Alderman Finucane stated that during the first year there's a savings but would it increase the City's our pension obligations in the future. Finance Director Haley replied that pension costs already factor in salary increases each year. However, salaries are always in a cycle – larger salaries go out, smaller salaries come in.

There was a brief discussion regarding the topic.

Alderman Snow asked if nine people in supervisory positions needed. Police Chief Lowery replied they were.

City Manager Gaura asked Attorney Gehrt, in regard to the arbitration process, what is the potential of winning or losing. Attorney Gehrt replied that he proposes taking this deal where \$38,000 in savings is captured. An arbitrator might say that the City only has the right to eliminate shift preparation time.

Alderman Baker stated that he remembers when a Police Chief asked for this before and didn't get it. However, now that it's been clearly explained, he understands why the corporals are stuck.

There was a discussion regarding the need for eliminating the corporal position and the cost for taking the issue to arbitration.

It was the consensus of Council is to support the change.

Attorney Gehrt and Police Chief Lowery left the meeting at 8:45 p.m.

PERSONNEL 5 ILCS 120/2(c)(1)

Mayor Rey stated he had a draft evaluation for the City Manager that covers 10 areas with three to five criteria, and a narrative section.

Mayor Rey further stated to Council that he's working on the document and they were welcome to review it.

City Manager Gaura reported that at the February 22, 2016 Executive Session meeting, she would present her year-end review. The evaluation form will be distributed to Council and should be returned to the Mayor by March 7, 2016. On March 14, 2016, there will be a summary of comments and review. She asked Council to consider a merit adjustment at that point.

City Manager Gaura explained that the draft evaluation is based on a template provided by ICMA. It is a recommended document at the national level.

Alderman Baker asked how similar it is to those used in the past. Mayor Rey replied it's more extensive.

Alderman Noreiko stated it's a plus that there are added items.

PENDING OR IMMINENT LITIGATION 5 ILCS 120/2(c)(11)

Not acted upon.

ADJOURNMENT

Alderman Jacobson moved to adjourn the executive session; seconded by Alderman Marquardt. Motion carried on a 8-0 voice vote. The Executive Session was adjourned at 8:50 p.m.


RUTH A. SCOTT, Deputy City Clerk


**MINUTES CITY OF DEKALB
COMMITTEE OF THE WHOLE
EXECUTIVE SESSION OF THE CITY COUNCIL
FEBRUARY 22, 2016**

The City Council of DeKalb, Illinois, held an Executive Session on February 22, 2016, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Committee of the Whole meeting of the City Council of the same day.

The session started at 5:22 p.m. Council members in attendance were: Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman Dave Baker, Alderman Tony Faivre and Mayor John Rey. Alderman Dave Jacobson arrived at 5:57 p.m.

Also present were: City Manager Anne Marie Gaura, City Attorney Dean Frieders, and City Clerk Jennifer Jeep Johnson.

PERSONNEL 5 ILCS 120/2(c)(1)

Topic of Discussion: City Manager Anne Marie Gaura's Evaluation

An envelope, containing two items was passed around to the Aldermen:

1. An evaluation of the City Manger's performance, in compliance with the City Council Association's standards; and
2. Memorandum including a City Operation Summary, and self- evaluation.

City Manager Gaura offered a look back over the year, stating she thought she'd have an opportunity to work on bigger strategic challenges, but found that many operations issues needed to be addressed. She detailed the following areas of focus:

1. Leadership Team: She focused on creating a talented team, including Assistant City Manager Hoppenstedt and Public Works Director Tim Holdeman.
2. Policy Issues examined over the last year:
 - Financial Stability: Keeping an eye on expenditures and an increase in revenues of \$2 million dollars, or an increase of 34% in the General Fund Balance.
 - Adoption of the City's First Purchasing Manual.
 - Continued to take steps to reduce costs (\$133,000) and increase revenue by pursuing funding through grants.

- Completion and implementation of the Pay and Compensation Study (seeing an overall significant savings).
- Reformatted FY2016 Budget: GFOA Budget Award will be filed.
- Initiated the PAFR: Simplified version of the audit (inaugural and second, both received PAFR award).
- City's Responsibility Initiative: She stated that all future projects will go through this process.

Brief discussion ensued as to the payout process for future projects.

Mayor Rey highlighted the remodeling of the Finance Office to put safeguards in place for spending. City Manager Gaura explained that there were no such safeguards in place prior to the writing and adoption of the purchasing manual.

- Coordinated and launched the City's website. Cost of the website upgrade covers two sites in one, being the initial launch, and a reevaluation in a couple of years.
- Coordinated contracting out of engineering projects in order to streamline and save costs: example 3M project.
- Process for opening up line of communications between the City and the community. For example, meetings between the Mayor and NIU, School District, Sanitary Districts, etc., all of which were intended to build relationships.
- Successfully address Council's main budgeting priorities, established in 2014, prior to the strategic plan. Along these lines, there have been "big picture" Executive Team Meetings in order to establish longer range planning. These meetings are held every three months to address larger issues.
- Comprehensive street inventory for non-TIF streets.
- Airport governance study.
- Parking regulation studies.
- Strategic Plan.
- Three-year collective bargaining agreement IAFF.
- Implemented commercial inspection program.
- Supported and Assisted with ABC Grant.

- Managed other significant expansion projects, both commercial and residential.
- Acquired two properties: Protano Properties, 622 W. Lincoln Highway (adjacent to Police Station).
- Demolished a number of unsafe structures thereby transforming the City in a positive way.
- Election orientation.
- DCEDC, Chamber, DSATS Policy Committee.
- Commitment to professional development, and awards received.

In summary, this document provided an overview of her second year of employment. City Manager Gaura added that she is honored and privileged to be a part of the team.

Alderman Snow wondered whether there would be feedback from community organizations and members, regarding the City Manager's performance. The Mayor responded that a peer evaluation questionnaire will be considered in the future.

City Manager Gaura added that many municipalities don't have an evaluation of the City Manager's performance, so reaching beyond the members of Council is typically not done by local governments.

Alderman Noreiko briefly offered other ways in which the City Manager's performance could be evaluated.

Mayor Rey emphasized that he highly values each Alderman's input. He reinforced that a narrative portion should be considered as well.

Alderman Baker sought clarification on when an annual review is to take place. Brief discussion ensued as to the best time to evaluate.

Alderman Baker complimented the Mayor for emphasizing that each Alderman's input is important.

Alderman Faivre wondered whether City Manager Gaura will be filling out her own evaluation. Brief discussion ensued as to the merits of that analysis.

City Manager Gaura emphasized that both documents are to be kept confidential and returned by March 7, 2016, in order to be included in the next meeting.

MOTION

Alderman Marquardt moved to adjourn Executive Session; seconded by Alderman

Noreiko.

VOTE

Motion carried on an 8-0 voice vote. Mayor Rey declared the motion passed, and adjourned Executive Session at 5:59 p.m.

JENNIFER JEEP JOHNSON
City Clerk



Approved: June 27, 2016
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
EXECUTIVE SESSION OF THE CITY COUNCIL
MARCH 14, 2016**

The City Council of DeKalb, Illinois, held an Executive Session on March 14, 2016, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at Committee of the Whole meeting of the City Council of the same day.

The session started at 5:45 p.m. Council members in attendance were: Alderman Dave Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Bob Snow, Alderman Dave Baker, Alderman Tony Faivre and Mayor John Rey. Alderman Kate Noreiko arrived at 5:46 p.m.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, and City Clerk Jennifer Jeep Johnson.

PENDING OR IMMINENT LITIGATION 5 ILCS 120/2 (c)(11)

Workers Compensation Updates Provided by City Attorney Dean Frieders.

City Attorney Frieders noted that both cases to be discussed are the subject of open applications for adjustment of claim, as pending litigation.

Claim #1

In February of 2015, a Police Officer twisted his left knee, which was reported immediately (several tears of the medial meniscus, resulting in surgery). He was on temporary total disability, returning to full duty after extensive physical therapy. A significant amount of his medial meniscus has been trimmed away, resulting in potential for future disability. A similar injury was previously settled at 15.4% of a knee, with ranges showing 22.5% of a leg, 32 - 43 weeks of compensation, or \$23,000 - \$32,000. City Attorney Frieders will discuss settlement with the employee and return to Council with the results of negotiation.

City Attorney Frieders further detailed the implications of the injury with consideration of susceptibility to future injury. He added that the Officer has reached maximum medical improvement (MMI), and that no recommendation of a brace to mitigate future vulnerability was made.

Brief discussion ensued as to how Workers Compensation settlements are made, and negotiated, with Attorney Frieders providing that information. City Attorney Frieders advised that the proposed settlement would be presented to Council in open session for discussion and approval.

Claim #2

A Police Officer sustained a witnessed injury while dealing with a combative subject; a tear in the Triangular Fibrocartilage Complex (TFC). Attempts to rehabilitate through physical therapy have been unsuccessful, so the treating physician recommended radical surgery for repair. The Officer has returned to full duty, after extended light duty. Currently, he's at MMI. Award Ranges: 10% of a hand, 35% of a hand, with 25-35% of hand expected. The financial range of the award is

expected at \$37,000 - \$53,000. City Attorney Frieders expects that 25% will be too light given the extensive nature of the surgery, so he believes a 30 - 35% range is more likely.

City Attorney Frieders explained that the injury occurred on his dominant hand, hence the light duty.

Brief discussion ensued as to how to proceed further with the remaining items. City Attorney Frieders advised that the proposed settlement would be presented to Council in open session for discussion and approval.

PERSONNEL 5 ILCS 120/2(c)(1)

Not acted upon.

PURCHASE OR LEASE OF REAL PROPERTY 5 ILCS 120/2(c)5

Not acted upon.

MOTION

Alderman Noreiko moved to adjourn Executive Session; seconded by Alderman Jacobson.

VOTE

Motion carried on an 8-0 voice vote. Mayor Rey declared the motion passed, and concluded Executive Session at 6:00 p.m.

JENNIFER JEEP JOHNSON
City Clerk



Approved: June 27, 2016
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
EXECUTIVE SESSION OF THE CITY COUNCIL
MARCH 28, 2016**

The City Council of DeKalb, Illinois, held an Executive Session on March 28, 2016, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at Committee of the Whole meeting of the City Council of the same day.

The session started at 5:40 p.m. Council members in attendance were: Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman Dave Baker, Alderman Tony Faivre, and Mayor John Rey. Alderman Dave Baker was absent.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Public Works Director Tim Holdeman, and City Clerk Jennifer Jeep Johnson.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2)

Assistant City Manager Patty Hoppenstedt updated Council on the two side letters from the FOP regarding the temporary solution to be addressed in the collective bargaining agreement set to expire in June. She explained that the arbitration process regarding the grievance filed against the City regarding shift preparation time is currently halted, which is addressed in the side letter. Another element of the agreement is the elimination of the corporal (appointed) position, now moving to the position of Sergeant. She explained that the union is agreeable to the proposal and there will be a preview at tonight's meeting.

PURCHASE OR LEASE OF REAL PROPERTY 5 ILCS 120/2(c)(5).

Purchase of Frontier Building by the Airport.

Public Works Director Holdeman provided an overview of the prospective purchase, located at 2120 Pleasant Street.

Funding for the purchase may be available through the Transportation Improvement Program of IDOT, Division of Aeronautics.

Public Works Director Holdeman explained that in order to qualify for the funding, the building will have to be used to store airport snow removal equipment, which is currently stored at the airport maintenance building. The airport maintenance building will be converted into a jet plane hangar, expected to generate around \$55,000 annually.

Brief discussion ensued as to the price of the building.

City Attorney Frieders explained that the City currently owns the parcels on either side of the building and explained that staff was looking to negotiate an agreement with the seller, contingent upon Council approval.

Brief discussion ensued as to the size of the fuel storage capacity and building usage.

Brief discussion ensued as to the history of ownership of the building in question.

City Manager Gaura stated that the City currently owns one of the buildings, currently used for storing City vehicles. The addition of indoor storage space for the City vehicles would help increase the lifespan of the fleet, by offering greater protection to the vehicles.

This keeps with City Council's long-term vision for the airport and moves it toward the goal of it being self-sustaining.

Alderman Faivre inquired as to the State's ability to pay (in consideration of the lack of State Budget), with City Attorney Frieders explaining that TIP has remained current throughout the budget crisis.

Alderman Noreiko asked whether there have been any potential renters for the space, with Public Works Director Holdeman stating there is indication of increased jet traffic. He added that they hope to attain a permit for larger passenger jets.

City Manager Gaura stated the City currently has 100% occupancy and have been approached by at least one person interested in renting.

Alderman Baker asked whether there is another building that Frontier owns downtown, and whether the City might be able to negotiate a good deal.

Brief discussion ensued as to the best approach to the purchasing negotiations.

City Attorney Frieders offered that TIP is a percentage-based program, so IDOT will not cover 100% of the cost, regardless of the price.

Brief discussion ensued as to how the equipment will maneuver around the airport.

City Manager Gaura provided her anticipated timeline for the project and noted that consensus had been reached to move forward, but that any purchase authorization would be presented for discussion and action in open session.

MOTION

Alderman Marquardt motioned to adjourn Executive Session; seconded by Alderman Faivre.

VOTE

Motion carried on a 7-0-1 voice vote. Mayor Rey declared the motion passed, and concluded Executive Session at 6:03 p.m.

JENNIFER JEEP JOHNSON
City Clerk



**MINUTES
CITY OF DEKALB
REGULAR MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
APRIL 11, 2016**

The City Council of DeKalb, Illinois, held an Executive Session on April 11, 2016, in the DeKalb Municipal Building, 200 South Fourth Street, Room 201, DeKalb, Illinois. The Executive Session was called by a majority vote of the City Council at the Committee of the Whole Meeting of the same day.

The Executive Session started at 5:25 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman Dave Baker, and Alderman Anthony Faivre, and Mayor John Rey

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Finance Director Cathy Haley, Attorney Ben Gehrt, and Deputy City Clerk Ruth Scott.

**PERSONNEL 5 ILCS 120/2(C)1
COLLECTIVE BARGAINING 5 ILCS 120/2(C)(2)**

City Manager Gaura explained that the City has the opportunity to reclassify a Finance Department position from part-time to full-time.

Attorney Gehrt stated that a full-time account technician (a union employee) in the Finance Department will be retiring in June. The plan would be to reclassify a part-time administrative assistant to a part-time accountant which would increase Finance staffing by a half FTE. After the full-time employee retires, the part-time accountant position would become full-time and Finance staffing would decrease by a half. By doing it this way, the union will be less likely to bargain over the position.

There was a brief discussion between Alderman Noreiko and Attorney Gehrt regarding the new position and the union's stance.

City Manager Gaura stated she was confident with how the position would be structured, explaining that items of a confidential could be given to the new person that can't necessarily be given to an account technician.

Alderman Finucane asked how the duties of the current account technician would be redistributed. Attorney Gehrt replied that some of the responsibilities would be given to other account technicians, but some would be given to the accountant as well.

Alderman Finucane asked what percentage would be redistributed. Finance Director Haley replied that the majority of the work currently done by the account technician will be done by the accountant.

City Manager Gaura stated that whenever there's a change in personnel, City staff look at how services are being provided and if they can be improved.

Finance Director Haley stated that the accountant role would do all accounting work, such as bargaining unit analysis, bank reconciliation, various graphs, and spreadsheets. The union positions would take over day to day water billing functions. She further explained that there are ways to enhance those roles by letting them take over other duties.

Alderman Finucane asked if a better title other than accountant was available. Attorney Gehrt replied that it had been discussed but the title would remain the same.

Alderman Noreiko asked if the individual who would be the accountant is qualified for the role. Finance Director Haley replied there was no question that they would.

Finance Director Haley stated that by making this change, there will be a cost savings to the City of \$12,000.

City Manager Gaura indicated that staff would move forward with the change.

Finance Director Haley and Attorney Gehrt left the meeting at 5:38 p.m.

ACQUISITION OF PROPERTY 5 ILCS 120/2(c)(5) (Released: March 22, 2021)

City Attorney Frieders stated that the discussion would be about whether or not Council would be interested in obtaining the Otto's property, a vacant property that sits at the southeast corner of Lincoln Highway. He provided Council with a handout that explained the building's current value, the cost to acquire and repair, and the cost to acquire and stabilize.

City Attorney Frieders explained that acquiring the building would give the City absolute control of what happens to it. However, there is a limited window of opportunity. If the City is interested in obtaining the building, now is the time to act.

City Manager Gaura stated that Community Development Director Divita has recommended an RFP for redevelopment of the site if the City acquires the building.

Alderman Noreiko asked why the City wants to be a land owner. City Manager Gaura explained there are many empty parcels in the downtown area. The building in question is at a visible intersection and it shouldn't be vacant.

City Attorney Frieders added that public bodies are poorly suited landlords and he would not recommend holding the property long if acquired. But buying it provides more control over the property and what will happen to it.
Discussion ensued.

Alderman Snow stated he would not want to hold the property for any length of time, if acquired.

Alderman Faivre stated he has looked at property and doesn't see it as attractive. There are other buildings in the area that are better. The building would have come at a bargain price.

City Manager Gaura explained how important is it to the future of the downtown area to have control over the corner where the building stands. If someone else owns it, they could do whatever they wanted with the property.

Alderman Jacobson stated the City would have control over it if it's in a TIF area, and provided history of other areas. He further stated that there are people interested in the building as it is and doesn't think it makes sense to purchase the building.

Alderman Jacobson asked if there was a way to control the property through liens or imminent domain at little cost. He added that the building is not well maintained and perhaps someone else could make it nicer. He is opposed to purchasing the property.

There was a brief discussion between Mayor Rey and Alderman Snow.

Alderman Snow stated the building isn't attractive. If acquired, he would recommend dozing it down and having control over the redevelopment. He can't see where it makes sense to spend money to just stabilize the building.

Discussion ensued.

Alderman Noreiko expressed her concern over having too many empty lots in the downtown area.

There was discussion between Alderman Jacobson and City Attorney Frieders regarding the acquisition of the property and the insurer's liability.

Alderman Marquardt stated he was against having an empty lot at that corner. He added he was in favor of purchasing the property but doesn't want to pay a high price for it.
Alderman Noreiko stated she was leaning towards not purchasing the building.

City Attorney Frieders stated the item would return to Executive Session at a later date for further discussion.

Mayor Rey indicated that the Executive Session scheduled on the Regular meeting's agenda would not be acted upon.

MOTION

Alderman Jacobson motioned to adjourn Executive Session; seconded by Alderman Marquardt.

VOTE

Motion carried on an 8-0 voice vote. Mayor Rey declared the motion passed, and concluded Executive Session at 6:07 p.m.


RUTH A. SCOTT, Deputy City Clerk


Approved: June 27, 2016
Partial Release: March 22, 2021
Full Release: December 13, 2021

**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
EXECUTIVE SESSION OF THE CITY COUNCIL
APRIL 25, 2016**

The City Council of DeKalb, Illinois, held an Executive Session on April 25, 2016, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Committee of the Whole meeting of the City Council of the same day.

The session started at 5:13 p.m. Council members in attendance were: Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman Dave Baker, Alderman Tony Faivre, and Mayor John Rey. Alderman Jacobson arrived at 5:42 p.m.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Community Development Director Ellen Divita, and City Clerk Jennifer Jeep Johnson.

PERSONNEL 5 ILCS 120/2(c)(1)

The Mayor introduced the topic at hand, the annual review of City Manager Gaura. He briefly explained the scoring system, as well as the narrative evaluation.

He stated that the overall assessment was very positive. He encouraged everyone to schedule a time to discuss with him any particular issues they may have, after which he would follow up with City Manager Gaura.

Alderman Noreiko wanted to acknowledge that City Manager Gaura brings energy and professionalism to the City. She appreciates her tenacity, and her ability to remain cool under the circumstances.

City Manager Gaura stated she is very open to critical comments, as they are an opportunity to improve. She offered that she's happy to have any conversations with anyone on this issue. She wants to make sure that everyone's concerns are being addressed.

Alderman Jacobson stated his belief in the importance of peer evaluations, since aldermen aren't at the City every day; that day-to-day performance is an important aspect of evaluation.

The Mayor stated that the narrative evaluation will be included in Ms. Gaura's file.

Alderman Noreiko asked City Manager Gaura whether she felt the document was more helpful because of its level of detail, with City Manager Gaura responding that it is helpful that the analysis is geared specifically for city managers.

City Manager Gaura passed around 2016 objectives, explaining these were high level overview items, tying into the strategic plan:

1. FY16.5 Budget.
2. Begin implementation of the 2025 Strategic Plan.

3. Focus on new development and redevelopment of the downtown and other portions of the community through the following items.
4. Continue outreach to the community as well as to NIU and the Communiversity partnership.
5. Coordinate several organizational and employee initiatives.

She concluded by saying she enjoys and loves working for the City and considers it a pleasure.

The Mayor thanked everyone for their input, and reiterated that more conversation is welcome. He added that the matter of compensation for the City Manager will be back at the next session.

PENDING OR IMMINENT LITIGATION 5 ILCS 120/2(c)(11).

City Attorney Frieders provided background information on the Otto's Establishment as a threat to public safety and asked that a finding be recorded in the minutes that this issue is pending or imminent litigation. Council agreed.

City Attorney Frieders provided a property description and detailed the following financial outlook: present bank judgment of \$464,000, estimated remediation and cost \$410,000, estimated repair cost \$1.2 million.

City Attorney Frieders provided pictures of the building, including exterior deterioration that threatens full or partial collapse. Pictures of the interior show where areas of the ceiling have collapsed, as well as molding.

Environmental assessment is that there is a tremendous and unsafe amount of mold.

The second floor has severe deterioration due to years of leaking, as well as additional ceiling collapse.

All three layers of roofing have failed, and as a result there are areas that have running water into the building, as well as the adjacent building.

The City was asked to explore possible legal remedies:

1. Can claims against the insurer be made?

City Attorney Frieders explained that the claims would belong to the owner but could potentially be assigned to the City. He provided background on how insurance claims might be made, though it does not appear that there would be any valid insurance claims.

2. Claims against the lienholder?

City Attorney Frieders explained that the lienholder has the right, but not the obligation to maintain the property, and the bank has indicated they are not interested in doing so. They have the right to walk away without foreclosure, which appears to be the current plan.

3. Ordinance Violation and Lien?

City Attorney Frieders explained there are known code violations, but prosecution has been deferred to allow investigation of potential remedies, given that the building is uninhabited. The City can prosecute known violations and seek imposition of a daily fine, though he indicated that the judicial response might not be friendly to an attempt to acquire the property through foreclosure. He does not recommend using ordinance violations as a means to compel foreclosure. Liens are subordinate to taxes and recorded mortgages (taxes are current).

4. Demolition/Remediation

Legal action to compel remediation or demolition of hazardous structure requires that the cost of repair must exceed fair market value of the property to demonstrate that repair is not economically feasible. In this case, it seems likely that this would be the order.

5. Can seek court order to compel owner to demolish?

City Attorney Frieders explained this was unlikely to be granted. More likely, the court would order that the City is authorized to demolish or remediate. If this was the preferred option, another inspection would be needed. There is no real defense to this action. If the owner makes repairs that raise the building to the level of safe, that is where the City's influence ends. Where demolition is ordered, the end result is that the City acquires the property without paying any compensation, which is used with extreme caution and in very rare circumstances. End Result: Owner fixes it up, could release the lien to the City, sell to a third party who will fix, etc.

City Attorney Frieders drew attention to the very problematic fact that there is no way to predict the stability of the building or duration of time until building collapses. He added that the location of the building, and security concerns including trespass, is a real problem.

The risks are great. He noted there are third parties interested, but that's the extent of what can be dealt with today. He recommends that the City continue preparing for demolition.

Alderman Noreiko asked whether there is any architectural significance of this building, from an historical standpoint, with Community Development Director Divita stating that it likely qualifies for historical register.

Alderman Baker added that since it has been closed for 24 months, it would need to be brought up to most current code.

City Attorney Frieders clarified that the \$1.2 million figure is just to bring the building back to being a structurally sound shell and does not include any build-out.

Alderman Baker suggested that it would cost a lot more than the estimates indicate. He suggested that there could be a way to save the exterior for historical purposes, and then gut the rest.

City Attorney Frieders explained that the City doesn't have the ability to compel a rehabilitation. The building would be razed. He explained that the lender wanted to wait 60 days to see whether a sale is possible.

City Manager Gaura explained that the City hopes that someone will buy the building and fix it up for salvage.

Alderman Snow offered that he is in favor of starting the process in order to help spur private development. He expressed concern with how long this process will take overall and wondered whether it might be too late if the City doesn't get things moving.

Alderman Noreiko inquired as to how Mediterraneo is being affected, and whether or not they have a claim against the owner of Otto's.

City Attorney Frieders explained how they are impacted by water as a result of Otto's failure, and are aware they have the ability to sue. To date, they have not.

Alderman Finucane wondered whether the interest is in rehabbing, or razing, with City Manager Gaura stating that it is in rehabbing.

Alderman Baker wondered whether the City should release the pictures in order to assess the level of seriousness of the buyers.

Alderman Noreiko inquired as to whether the owner is able to make repairs. No asset search has been conducted.

Alderman Finucane inquired as to the footprint of the building, with City Attorney Frieders providing his best estimate.

Based on Council discussion, City Attorney Frieders advised that he would delay the filing of a suit on this matter.

MOTION

Alderman Jacobson moved to adjourn Executive Session; Seconded by Alderman Marquardt.

VOTE

Motion carried on an 8-0 voice vote. Mayor Rey declared the motion passed, and concluded Executive Session at 5:59 p.m.

JENNIFER JEEP JOHNSON
City Clerk



**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
EXECUTIVE SESSION OF THE CITY COUNCIL
MAY 9, 2016**

The City Council of DeKalb, Illinois, held an Executive Session on May 9, 2016, in the DeKalb Municipal Building; 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Committee of the Whole meeting of the City Council of the same day.

The session started at 5:25p.m. Council members in attendance were: Alderman Dave Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Kate Noreiko, Alderman Dave Baker, Alderman Tony Faivre, and Mayor John Rey. Alderman Bob Snow arrived at 5:44 p.m.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, and City Clerk Jennifer Jeep Johnson.

PERSONNEL 5 ILCS 120/2(c)(1)

City Manager Gaura's Compensation.

City Manager Gaura explained she had received no additional feedback since the last Executive Session, and offered to answer any questions, or entertain comments.

Alderman Noreiko asked whether there was anything that Council could do to support her efforts more regularly.

City Manager Gaura explained that Executive Assistant Ruth Scott would be contacting Aldermen soon for one-on-one meetings to better understand the particular concerns of the aldermen.

She offered that each council person has a different level of comfort when it comes to communication, but she will be working with whatever the Council prefers. She is open to accommodating preferences.

City Manager Gaura asked to be included in emails that are sent directly to staff, and that she will be looped in on responses, just so she is aware of communication.

Alderman Noreiko offered that it might be helpful for Council members to indicate when they require a response.

City Manager Gaura said she will likely direct the answer to the subject matter expert, so to check agenda items for more prompt responses. She also explained that she will be

utilizing texting in order to help expedite information, even if it is to direct people to another information source.

Alderman Baker asked whether it would violate the open meetings act if a "reply all" occurs, with confirmation that it would. Brief conversation ensued as to how to best to deal with mass communications.

Alderman Jacobson offered that a memo should be generated in order to explain how "bcc" and "cc" works, in order to help explain electronic etiquette.

Mayor Rey introduced the merit increase regarding City Manager Gaura's salary. He explained that he recommends a 2 - 3% merit increase, given her above average review.

Alderman Baker wanted to ensure that City Attorney Frieders would not be conveying what was said throughout the course of the conversation back to the City Manager, with Attorney Frieders confirming that it would not.

Alderman Baker asked whether she was entitled to a merit increase every year by contract and wanted to confirm that she got a cost-of-living increase, with confirmation that she had (2.5%).

This increase would be based on her individual contribution based on merit.

Brief discussion ensued as to the merits of a percentage approach, versus a bonus approach.

Mayor Rey stated that, along the lines of bonus, he'd suggest a \$5,000 merit adjustment.

Alderman Jacobson offered that this should be standardized, and offered support for the bonus approach, because of how much more money it costs in the long term. He said it would help with the evaluation process, which will be fairer, from year-to-year.

Alderman Baker offered that comments (on the evaluation) should be made anonymously, and without identification by initials, stating that it might be intimidating for people, and prevent them from being honest in their criticism. He further stated that the City Manager should self-evaluate; set goals in the beginning and the end and communicate on their weaknesses and strengths.

Alderman Noreiko said that some of that was addressed on the memo to Council, though while she focused on her accomplishments, there was no specific requirement for her to focus on areas to develop.

Brief discussion ensued as to how to approach the self-evaluation.

Alderman Noreiko offered that Council needs to recognize that no person is going to be equally strong in all areas, and an evaluation should be realistic. Council should be able to provide guidance on how best to apply resources in order to assist development.

Mayor Rey provided a recap for Alderman Snow, with Alderman Jacobson recapping his idea for an annual bonus structure, versus a percentage-based increase.

Brief discussion ensued as to how the economic adjustments occur, pertaining to City Manager Gaura.

Brief discussion ensued as to how City Manager Gaura was included in the Chapter 3 adjustments, and how it would occur in the future.

Alderman Snow agreed that with the 2.5% she'd already received, he's in favor of a bonus structure.

Brief discussion ensued as to what numbers to base the bonus structure.

Council members had discussion amongst themselves regarding the numbers presented.

Brief discussion ensued as to the average ratings given to the City Manager by the Council (4.28).

Alderman Jacobson reiterated that streamlining the process would attach real costs to the evaluation numbers.

Alderman Noreiko suggested that the bonus be labeled a Lump Sum Merit Award.

Discussion ensued as to how to standardize the numbers.

Mayor Rey inquired as to whether anyone had a dollar amount, with Alderman Snow offering \$2,500, with other Council members agreeing that it sounded in the right range.

Alderman Marquardt thought that the bonus should be closer to \$4,100, as a more reasonable number.

Alderman Noreiko thought that an average of the two numbers seemed better, because \$2,500 seemed low.

Alderman Baker offered that \$3,750 was better, with Alderman Snow agreeing.

Further discussion ensued as to how the numbers would become standardized.

Council members had break out discussions.

Mayor Rey asked whether consensus had been reached, with Alderman Jacobson explaining that he feels it should be standardized to 1.5% for every point over a rating of 3.

Mayor Rey indicated that he believed consensus was for a \$3,750 lump sum.

MOTION

Alderman Jacobson moved to adjourn Executive Session; seconded by Alderman Finucane.

VOTE

Motion carried on an 8-0 voice vote. Mayor Rey declared the motion passed, and concluded Executive Session at 6:08 p.m.

JENNIFER JEEP JOHNSON
City Clerk



Approved: June 27, 2016
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
EXECUTIVE SESSION OF THE CITY COUNCIL
JUNE 13, 2016**

The City Council of DeKalb, held an Executive Session on June 13, 2016 in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Committee of the Whole meeting of the City Council of the same day.

The session started at 5:47 p.m. Council members in attendance were: Alderman Dave Jacobson, Alderman Bill Finucane (Temporary Chair), Alderman Mike Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman Dave Baker, and Alderman Tony Faivre.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, and Deputy City Clerk Ruth Scott.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2)

Assistant City Manager Hoppenstedt stated this topic was being provided as an overview regarding an item that will be brought forth at the next City Council meeting. During the negotiations of the current IAFF Collective Bargaining Agreement (July 1, 2014 – June 30, 2017), it was determined that a formation of a joint committee would be formed for the purpose of developing a performance evaluation process. Section 6.9 of the IAFF Collective Bargaining Agreement provides that the committee would meet within a year of the date of execution of the agreement. If that time line wasn't met both parties could choose to extend it. The deadline was June 8, 2016.

Assistant City Manager Hoppenstedt stated she has been in discussions with the IAFF union leadership and it was determined that because of the delay of bringing the Human Resources Director on board, and because the process of the performance evaluation appraisals of non-bargaining unit employees was going to be initiated, the firefighters agreed they would wait for Human Resources Director to come on board and for both performance evaluation processes to be put in place simultaneously.

Assistant City Manager further stated that a side letter has been created that will allow the extension of negotiations of Section 6.9 until January 31, 2017. Both parties are in agreement with the side letter.

Alderman Finucane asked who would be on the committee. Assistant City Manager Hoppenstedt replied it would be a diverse population of the firefighters, specific to their performance review process. Further, as part of this budget process, there are some dollars in the budget to engage with a performance evaluation consultant. The committee will contain someone in the firefighter rank, lieutenant rank, battalion chief rank, as well as representatives from the non-bargaining unit.

Alderman Finucane asked what City staff members would be involved besides the Human Resources Director. Assistant City Manager Hoppenstedt replied that she would be guiding the process along with the Human Resources Director, as well as the Fire Chief and other ranks within the union.

City Manager Gaura added that the firefighters have never had an evaluation and it was important during the last negotiations to develop a process to remedy that.

PENDING LITIGATION 5 ILCS 120/2(C)(11) (Released: July 9, 2018)

City Attorney Frieders provided information regarding a lawsuit that was filed in federal court over an incident that occurred approximately one month ago at the Ellwood Steak House Restaurant. A patron indicated she had a dispute with an owner of the restaurant in which she was assaulted. However, other patrons witnessing the event state it didn't happen. City police were called to the scene and conducted a thorough investigation. Because of the disputes in the events, the incident was sent to the States Attorney and is currently an active open criminal investigation.

The individual making the complaint has hired an attorney and filed a lawsuit against the owner of the restaurant and the City of DeKalb, claiming the City had a duty to defend her and should have charge the person who she alleges assaulted her with a criminal offense. She further alleges that the City didn't complete an investigation, didn't file a police report, and didn't follow up with States Attorney. She also

alleges that the owner of the restaurant and the City's Chief of Police have a special relationship which is why there was no investigation.

City Attorney Frieders stated the case wasn't significant when it occurred and the City's Police Chief had no involvement. Further, a newspaper article will be run in the Daily Chronicle that will include a number of allegations against the City.

There was a brief discussion regarding who the owner of the establishment is currently.

APPROVAL OF MINUTES OF EXECUTIVE SESSION MEETINGS 5 ILCS 120/2(C)(21) (Released: March 22, 2021)

City Attorney Frieders provided council with Executive Session minutes for their review and consideration. Of note, some have not been given to the city manager for review

Alderman Jacobson asked if any of the minutes were being recommended for release, with City Attorney Frieders stating no.

City Attorney Frieders stated he was in the process of reviewing past minutes that he will recommend for release in the near future.

There was a brief discussion regarding the location of the Executive Session minutes that haven't been released and if they could be removed from the building. City Attorney Frieders stated that the minutes are kept in a secure location and he wouldn't recommend removing them from the building.

MOTION

Alderman Jacobson motioned to approve the Executive Session minutes; seconded by Alderman Marquardt.

VOTE

Motion passed by a roll call vote of 7-0-1. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Faivre. Nay: None. Absent: Rey.

ADJOURNMENT

MOTION

Alderman Jacobson motioned to adjourn Executive Session; seconded by Alderman Marquardt.

VOTE

Motion passed by a 7-0-1 voice vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Faivre. Nay: None. Absent: Rey.

The meeting adjourned at 6:05 p.m.


RUTH A. SCOTT, Deputy City Clerk

Approved: January 9, 2017
Partial Release: July 9, 2018
Partial Release: March 22, 2021
Full Release: December 13, 2021



**MINUTES CITY OF DEKALB
COMMITTEE OF THE WHOLE
EXECUTIVE SESSION OF THE CITY COUNCIL
JULY 25, 2016**

The City Council of DeKalb, Illinois, held an Executive Session on July 25, 2016 in the DeKalb Municipal Building; 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at Regular meeting of the City Council of the same day.

The session started at 8:16 p.m. Council members in attendance were: Alderman Bill Finucane (arrived at 8:17 p.m.), Alderman Mike Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman Dave Baker, Alderman Tony Faivre, and Mayor John Rey. Alderman David Jacobson was absent.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Human Resources Director Cris Randal, Fire Chief Eric Hicks, and City Clerk Jennifer Jeep Johnson.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2)

Human Resources Director Randall provided background on the item, explaining that the union approached the City to ask for a one time buy out of their sick/comp time. It is a benefit they already have upon retirement, so it is an advance on this benefit for veterans. She explained that IAFF is very willing to work with the City in negotiations, it is a benefit to the veterans, and it is cost neutral to the City.

Fire Chief Hicks characterized the move as a "game-changer" for those people ready to leave, and that it provides an incentive for them to leave, which makes room for new employees.

Human Resources Director Randall stated that retirees have to provide notice of intent to retire by September 1, 2016, with payout being in January 2017. Payout will occur before increases, which will save money. She added that the maximum time to buy will be two years. She added that this move will allow for the City to plan for the retirements.

Assistant City Manager Hoppenstedt reiterated the benefit of being able to plan for the retirements and incorporate the plan into the FY2017 budget, rather than merely receiving a two week notice. She added that it will allow the City to budget appropriately, prior to July increases. From a recruitment standpoint, Assistant City Manager Hoppenstedt stated that the City can begin the process of preparing for the vacancies, meaning that the gap in employment will be smaller, thereby lessening the need for overtime. She stated that the City is going to pay the money anyway, but doing so in this fashion reduces the tax liability (incentivizing the retirements), and also allows for better planning on the City's part.

Alderman Snow asked what the tax benefit is, with Fire Chief Hicks explaining how the law works.

Assistant City Manager Hoppenstedt added that this would be an irrevocable deal, never to be discussed or asked for again.

Alderman Finucane asked whether it's time that is already accrued or potential, with the answer being already accrued with no advances.

City Manager Gaura added that this is an opportunity to move out retirees, and bring in new firefighters, reiterating that they are entitled to this time regardless of whether the City enters into this agreement or not, but it will allow the City to plan for it.

Brief discussion ensued as to the benefits of offering this payment, and how it would play out.

Alderman Faivre inquired as to how the pension operates for the fire department, with further discussion on the matter ensuing.

Mayor Rey inquired as to whether there were any objections, with none heard. Mayor Rey stated this item will return at next meeting in open session.

PENDING OR IMMINENT LITIGATION 5 ILCS 120/2(c)11.

Not acted on.

MOTION

Alderman Baker moved to adjourn Executive Session; seconded by Alderman Faivre.

VOTE

Motion carried on a 7-1 voice vote. Aye: Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey. Nay: None. Absent: Jacobson. Mayor Rey declared the motion passed, and concluded executive session at 8:35 p.m.

Approved: January 9, 2017
Released: December 13, 2021



**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
EXECUTIVE SESSION OF THE CITY COUNCIL
AUGUST 8, 2016**

The City Council of DeKalb, Illinois, held an Executive Session on August 8, 2016, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at Regular meeting of the City Council of the same day.

The session started at 8:17 p.m. Council members in attendance were: Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman Tony Faivre, and Mayor John Rey. Alderman David Jacobson arrived at 8:23 p.m. Alderman Dave Baker was absent.

Also present were: City Manager Anne Marie Gaura, City Attorney Dean Frieders, Attorney Benjamin Gehrt, and City Clerk Jennifer Jeep Johnson.

PERSONNEL 5 ILCS 120/2(c)(1)

Director Randall provided background on the issue, stating that a Firefighter had responded to a structural fire where there was a lot of ice, and in an attempt to assist a woman with a child he slipped and hit his head. He bled and was treated for post-concussion syndrome. His treatment with medication prevented him from performing the essential functions of duty.

Attorney Gehrt added that a legal decision from last year determined that where a pension board decides that a member qualifies, it is binding on the City. It is his opinion that to argue this point is moot; the state legislature has bound the City to this decision.

Alderman Finucane sought clarification that this includes dependents up to the age of 26, but that it requires verification. He also noted that the pension will continue to go to a spouse for the rest of her life, provided she does not remarry upon widowling.

Alderman Noreiko asked whether or not he is working, with verification that he is not based on his disability status. There can be medical exams to verify his ongoing disability status, as well as an annual physical. Should he ever be deemed "recovered" he will resign his position.

Awarded from the date the disability starts, so there will be a check cut to him to reimburse for his contribution already made.

No action is required from the Council.

PENDING OR IMMINENT LITIGATION 5 ILCS 120/2(C)(11)

Not acted on.

PURCHASE OR LEASE OF REAL PROPERTY 5 ILCS 120/2(C)(5)

Not acted on.

MOTION

Alderman Jacobson moved to adjourn Executive Session; seconded by Alderman Finucane.

VOTE

Motion carried on a 7-1 voice vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Faivre, Rey. Nay: None. Absent: Baker. Mayor Rey declared the motion passed, and concluded Executive Session at 8:29 p.m.

JENNIFER JEEP JOHNSON
City Clerk



Approved: January 9, 2017
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
REGULAR MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
AUGUST 22, 2016**

The City Council of DeKalb, Illinois, held an Executive Session on August 22, 2016, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at Regular meeting of the City Council of the same day.

The session started at 9:33 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman Tony Faivre, and Mayor John Rey. Alderman Dave Baker arrived at 10:07 p.m.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Human Resources Director Cris Randall Finance Director Cathy Haley, Community Development Director Ellen Divita, Police Chief Gene Lowery, Attorney Ben Gehrt, and Deputy City Clerk Ruth Scott.

COLLECTIVE BARGAINING 5 ILCS 120/2(C)(2).

Human Resources Director Randall explained that the City delivered their contract proposals to the Fraternal Order of Police (FOP) on August 22, 2016. The next meeting between the City and FOP is scheduled for August 24, 2016, where FOP's proposals will be reviewed and the City's proposals responded to.

Attorney Gehrt stated he has been in consultation with the City's bargaining team – City Manager Gaura, Assistant City Manager Hoppenstedt, Human Resources Director Randall, Assistant Human Resources Director Anderson, and Deputy Police Chief Petragallo – in order to review the current FOP agreement, which expired on June 30, 2016. In order to make sure the bargaining team is in sync with Council, he wanted to bring Council them up to date on what the FOP has proposed so far. He added that the information is confidential and shouldn't be discussed outside of Executive Session.

The FOP has proposed the following: a 6% wage increase; no changes in health insurance; the deletion of tier 4 of retiree health insurance; an increase in tier 3 of retiree health insurance; education incentives, on-call pay increase, FTO pay increase, court cancellation increase; expungement of discipline after a certain period of time; increased allowance for protective vests; and various clean-up changes.

Alderman Finucane asked Police Chief Lowery about the life span of protective vests. Police Chief Lowery responded that the vests are good for no more than five years.

Attorney Gehrt then reviewed the City's proposals: have the FOP on the same insurance designed for all other City employees; change earned vacation time to an accrual basis instead of a lump sum; update drug testing language; sick leave buyout transferred to a health savings account; arbitration for everything; require a national academy of arbitrators qualification; tuition reimbursement; one week notice for training whenever possible; cleanup issues – changing titles, dates, etc. Attorney Gehrt also provided background information regarding wages and then provided information on current the forecast stating the data is leaning towards a 2.5% wage increase per year.

There was a brief discussion regarding protective vests, their cost, and how long they last.

There was brief discussion regarding the education incentive and what it includes such as fees, books, etc. There was also discussion regarding the grades received and when the costs are reimbursed.

Alderman Jacobson asked if there was any desire to go to a performance evaluation process for FOP or the IAFF (Illinois Association of Fire Fighters). Attorney Gehrt stated it isn't a concept that has been discussed.

Assistant City Manager Hoppenstedt added that once the performance evaluation process is put in place for non-bargaining unit employees and a solid program has been established, it's something that will be brought forward to the unions.

Finance Director Haley provided spreadsheets to Council that tie in to Attorney Gehrt's information regarding 2.5% wage increases.

There was a brief discussion between Alderman Faivre and Attorney Gehrt regarding retroactive pay.

Discussion ensued among those present regarding wage increases, cost estimates, and what will be offered at the beginning of negotiations.

City Manager Gaura stated that staff was looking for a consensus from Council on what the wage increase ceiling should be, where Council would go, and what to negotiate. It was the consensus of Council to offer 5% over two-and-a-half years.

Police Chief Lowery, Finance Director Haley, Human Resources Director Randall, and Attorney Gehrt left the meeting at 10:32 p.m.

PENDING OR IMMINENT LITIGATION 5 ILCS 120/2(C)(11) (Released: March 22, 2021)

City Attorney Frieders advised Council that this discussion relates to the Otto's building, located at the intersection of First Street and Lincoln Highway. He also stated that this item has a high probability of being in litigation in the near future given the rapidly deteriorating condition of the building. City Attorney Frieders requested the Council's consensus to record a finding of that nature on the record of this meeting, which request was approved by consensus.

City Attorney Frieders provided Council with aerial view photos of Otto's stating that deterioration is affecting a neighboring building (Mediterraneo's). The deterioration includes flaking brick, paint coming off the wall, water coming down the walls, etc.

City Attorney Frieders stated that the owner of Mediterraneo's leases the property and has been working with the property owner but fears the issues may drive him out of business as conditions continue to deteriorate.

City Attorney Frieders further stated that the Otto's building has not been inspected in over a year so he is unsure of the current conditions. The City is at a point where action on the matter can no longer be deferred. Public safety is of concern, especially since this is a heavy traffic area. He further stated that litigation would include demolition or remediation, adding it would be less expensive to demolish. The timeline for demolition and action would take six to 12 months, pushing it through as quickly as possible for safety reasons.

Alderman Baker asked about purchasing the building. City Attorney Frieders replied that the purchase of the building couldn't be discussed as it hasn't been cited for this meeting.

There was a brief discussion between Alderman Baker and City Attorney Frieders.

There was brief discussion regarding the cost of repairs.

Alderman Jacobson asked if the City could acquire the building through litigation. City Attorney Frieders stated it wasn't a good way to go through the court system and then the City would be the owner of a public safety hazard.

Discussion ensued regarding liens, judgements, costs for demolition, and liability.

City Manager Gaura stated that the City has put together a short term strategy to help Mediterraneo's.

There was a brief discussion regarding current litigation against the current owner of Otto's.

City Manager Gaura asked Council to provide direction at this meeting on the next step. It was the consensus of Council to begin the process of remediation. City Attorney Frieders explained that meant the City would be asking the court to say that after the building is demolished, the owner will be required to pay the City back. He added that starting the process doesn't commit the City to further action.

Alderman Jacobson stated he'd like to see an independent review.

ADJOURNMENT

Alderman Jacobson motioned to adjourn; seconded by Alderman Faivre.
VOTE

Motion carried on an 8-0 voice vote. Mayor Rey declared the motion passed and concluded Executive Session at 10:58 p.m.


RUTH A. SCOTT Deputy City Clerk



Approved: January 9, 2017
Partial Release: March 22, 2021
Full Release: December 13, 2021

**MINUTES
CITY OF DEKALB
REGULAR MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
SEPTEMBER 26, 2016**

The City Council of DeKalb, Illinois, held an Executive Session on September 26, 2016, in the DeKalb Municipal Building; 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at Regular meeting of the City Council of the same day.

The session started at 8:41 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman Dave Baker, Alderman Tony Faivre, and Mayor John Rey.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Human Resources Director Cris Randall Attorney Ulrich, and City Clerk Jennifer Jeep Johnson.

PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2 (c)(1).

Mr. Ulrich provided background as a third-party attorney regarding workers compensation.

It was explained that a former Police Officer is seeking a pro se settlement. Lisa Miller had two accidents involving her left knee, both of which were treated by the same doctor. She began treating straight away at Kishwaukee Hospital where they treated conservatively for a ligament injury; receiving no relief, an MRI revealed a torn meniscus.

The physician treated with injections, which provided temporary relief. By May of 2015, they begin discussing surgery, but it was decided that her symptoms were not significant enough to warrant surgery.

Six months later, she had a second accident that led to the recommendation of surgery. An MRI revealed a complex tear of the medial meniscus, which surgery repaired.

The Commission generally recommends 25% of a leg of such an injury. Attorney Ulrich sought authority for up to \$40,609.

Attorney Frieders stated that the settlement will come before Council, as with other settlements, for consideration and approval in open session.

Brief discussion ensued as to the nature of the accidents.

Discussion ensued as to the settlement amount, and how the plaintiff being pro se impacts the figure discussed.

Brief discussion ensued.

Consensus was reached to authorize the amount sought.

At 8:55 p.m., Mr. Ulrich, and Human Resources Director Randall departed; Principal Planner Jo Ellen Charlton and Community Development Director Divita arrived.

PURCHASE OR LEASE OF REAL PROPERTY 5 ILCS 120/2(c)(5)

Principal Planner Charlton introduced the topic at hand regarding the potential acquisition of property, explaining how it would benefit the City and relayed the mortgages should identify the property on

record. She estimated the value at roughly \$341,000, stating it might be lower, based on a cursory evaluation by an appraiser who suspected some issues may be present.

Principal Planner Charlton sought consensus to move forward with further inquiry about the building and is seeking interest from Council on acquiring the building.

City Attorney Frieders explained that the appraiser has a good handle on the downtown area, based on his other work in the area.

Alderman Snow indicated his final approval is contingent on price.

Brief discussion confirming the building's location within the TIF District ensued.

Alderman Noreiko stated her favor of acquiring it, though she was in favor of razing it.

Alderman Baker stated there is potential for the space, with City Attorney Frieders confirming there is.

Alderman Jacobson wondered whether part of the purchase agreement could include razing. City Attorney Frieders stated there are some challenges with that approach, particularly regarding prevailing wage issues.

Alderman Faivre expressed concern regarding gasoline flowing beneath the surface, with City Attorney Frieders stating that an environmental study would need to be conducted.

City Attorney Frieders explained that the City has knowledge that might extend beyond another buyer.

Brief discussion ensued about the property.

Alderman Jacobson suggested that the City attempt to locate any prior Phase II environmental studies that had been conducted.

Consensus was reached to undertake further investigation on the property.

MOTION

Alderman Jacobson moved to adjourn Executive Session; seconded by Alderman Faivre.

VOTE

Motion carried on an 8-0 voice vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey. Mayor Rey declared the motion passed, and concluded Executive Session at 9:13 p.m.

JENNIFER JEEP JOHNSON
City Clerk



**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
EXECUTIVE SESSION OF THE CITY COUNCIL
OCTOBER 24, 2016**

The City Council of DeKalb held an Executive Session on October 24, 2016, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Committee of the Whole meeting of the City Council of the same day.

The session started at 6:01 p.m. Council members in attendance were: Alderman Dave Jacobson (arrived at 6:02 p.m.), Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman Dave Baker, Alderman Tony Faivre, and Mayor John Rey.

Also present were: City Manager Anne Marie Gaura, City Attorney Dean Frieders, Police Chief Gene Lowery, and City Clerk Jennifer Jeep Johnson.

PERSONNEL 5 ILCS 120/2(c)(1)

City Manager Gaura introduced the topic at hand, the Hiring Process for IT Director. She explained that the original advertisement for the position did not include a residency requirement as it was not included as a "first responder", a requirement that was subsequently added. She stated that each candidate was interviewed three times, and an individual was selected who is unable to relocate to DeKalb. As such, City Manager Gaura is requesting that Council consider removing the IT Director from Chapter 3. She stated concern that this is a role that is difficult to recruit for, and she's not confident that the market will support the City's residency requirement. City Manager Gaura explained that the applicant could not meet a residency requirement because of the status of his personal finances and mortgage, and also because of commitments that his minor children and wife have in their current home and community.

Alderman Baker wondered whether the second person would be willing to relocate, with City Manager Gaura stating she wouldn't recommend hiring this individual, regardless of their willingness to relocate.

City Attorney Frieders stated that the current staff unanimously recommended the individual City Manager Gaura recommends hiring.

Brief discussion as to the interview process ensued.

Alderman Jacobson inquired as to the obstacles the individual stated as to why he wouldn't move. He stated this is an opportunity to bring a high wage earner to the community, and he believes they should.

City Manager Gaura stated the City is very close to the Chicago Market, which is a plus. She stated the City needs to embrace the fact that its talent pool is increased due to this proximity. However, it also means that people may not be able to relocate for a number of reasons.

Further discussion ensued as to residency requirements in different communities.

Alderman Baker stated that Alderman Jacobson's point is worthy of investigation, but IT is a specialized area that typically doesn't require physical presence.

Alderman Snow stated his belief that it is a mistake to enforce a protectionist attitude, and that a mobile society doesn't support this kind of insistence. He stated there is no business reason for it, and that it will limit applicants.

Alderman Noreiko reiterated the concern that the pool will be limited if the residency requirement is insisted upon. She expressed that the breadth of such jobs is growing, and from a public safety concern, getting the right person in the role is of the utmost importance.

Alderman Faivre expressed that he is willing to consider placing another role with greater impact with a residency requirement.

Alderman Marquardt asked Police Chief Lowery whether he thought there were any problems with an IT person being remote. Police Chief Lowery explained that he understands the concern, but that a 24 hour on call process would address the concerns. Alderman Marquardt stated he doesn't see an employment requirement for residency.

Alderman Finucane inquired as to whether it is problematic that the City didn't include the requirement in the advertisement, with City Attorney Frieders stating he doesn't see this as a liability issue. Alderman Finucane expressed that this is a worthwhile conversation to have generally moving forward. He suggested leaving it in place and waiving it for this hire.

Brief further discussion ensued as to the employment structure.

Alderman Jacobson stated his belief that the residency requirement is a necessity for improving the quality of life in DeKalb on the whole. He stated that the best leaders live and work within the community.

City Manager Gaura stated that the reality is that it will lower the standard of candidate. She stated that it will disproportionality impact the ability to hire qualified women.

Mayor Rey inquired whether Council would consider making an exception to the residency requirement.

Brief discussion ensued as to the proper legal approach to allow a waiver. Consensus was reached.

Chief Lowery left the meeting at 6:28 p.m.

City Manager Gaura introduced the second personnel matter, stating that Ellen Divita was terminated with a separation agreement that included health and dental being extended up to six months. She stated that a letter of resignation will replace the letter of termination upon signing.

City Manager Gaura added that Jo Ellen Charlton had been promoted to Community Development Director. She explained her rationale for hiring her without doing a search and provided some further background on Ms. Charlton.

MOTION

Alderman Jacobson moved to adjourn Executive Session; seconded by Alderman Marquardt.

VOTE

Motion carried on an 8-0 voice vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey. Mayor Rey declared the motion passed, and concluded Executive Session at 6:35 p.m.

JENNIFER JEEP JOHNSON
City Clerk



**MINUTES CITY OF DEKALB
COMMITTEE OF THE WHOLE
EXECUTIVE SESSION OF THE CITY COUNCIL
NOVEMBER 14, 2016**

The City Council of DeKalb, Illinois, held an Executive Session on November 14, 2016, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council during the Committee of the Whole meeting of the same day.

The session started at 5:41 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman Dave Baker, Alderman Tony Faivre, and Mayor John Rey.

Also present were: City Manager Anne Marie Gaura, City Attorney Dean Frieders, Human Resources Director Cris Randall, Fire Chief Eric Hicks, and Deputy City Clerk Ruth Scott.

PERSONNEL 5 ILCS 120/2(C)(1)

Human Resources Director Randall provided an overview, stating there was promotional opportunity within the Fire Department.

Human Resources Director Randall stated the collective bargaining unit agreements for Police and Fire describe how promotional exams are to be conducted. One section discusses the eligibility for promotions. The Fire Department has a list that includes those eligible for promotion to captain or battalion chief that doesn't expire until 2018. However, the list will be exhausted as of 2017 due to retirements.

In order to be eligible for battalion chief, a person has to be a captain for at least two years. However, none of the captains on the list have two years on their rank. Discussions have taken place with the IAFF and a side letter supplementing the current collective bargaining agreement has been drafted for their review regarding a waiver of rank timing for captains. This would allow the captains on the current list to sit for testing for promotion to battalion chief.

Discussion ensued regarding who within the Fire Department would be up for promotion, the cost for testing, and what testing entails. The cost of the test is one year of extra pay. Fire Chief Hicks stated that it would cost more to have an acting battalion chief.

City Attorney Frieders explained background on the three individual employees at issue. Granting this one-time deviation is under consideration based upon their individual qualifications and experience. Not granting the request would reflect adversely upon the individual performance and reputation of the three employees.

Human Resources Director Randall stated that six months of testing is involved. By statutory limitations, the City must give a 90 notice so individuals can prepare for testing.

Alderman Finucane asked if testing is limited to in-house candidates only, with Human Resources Director Randall stating yes as per the collective bargaining agreement.

Discussion ensued regarding the list. Fire Chief Hicks stated he believes the individuals are good candidates for battalion chief.

City Manager Gaura stated that staff would bring this item to Council in open session unless there was consensus to do otherwise.

It was the Council's consensus to allow the side letter for this instance only. Council was advised that this item would return in open session for further consideration.

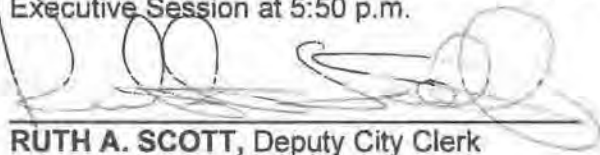
ADJOURNMENT

MOTION

Alderman Jacobson motioned to conclude Executive Session; seconded by Alderman Marquardt.

VOTE

Motion carried on an 8-0 voice vote. Mayor Rey declared the motion passed, and concluded Executive Session at 5:50 p.m.



RUTH A. SCOTT, Deputy City Clerk

Approved: January 9, 2017
Released: December 13, 2021



**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
EXECUTIVE SESSION OF THE CITY COUNCIL
NOVEMBER 28, 2016**

The City Council of DeKalb, Illinois, held an Executive Session on November 28, 2016 in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Committee of the Whole meeting of the City Council of the same day.

The session started at 5:31 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman Dave Baker, Alderman Tony Faivre, and Mayor John Rey.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Police Chief Gene Lowery, Finance Director Cathy Haley, Attorney Benjamin Gehrt, and City Clerk Jennifer Jeep Johnson.

PERSONNEL, COLLECTIVE BARGAINING, AND DELIBERATIONS REGARDING SALARY SCHEDULES AS PROVIDED FOR IN 5 ILCS 120/2(c)(1) and 5 ILCS 120/2(c)(2)

Assistant City Manager Hoppenstedt updated the Council on the negotiations with the Fraternal Order of Police (FOP), with which they've held several discussions. She explained that the purpose of the conversation this evening is to provide Council with an update on the ongoing contract negotiations, and turned the meeting over to Attorney Gehrt.

Attorney Gehrt explained that the number one priority of the City is to get the FOP on the same health insurance plan that City employees are on. He also identified the goal of reducing the City's contribution to health insurance, as well as salary increases.

Attorney Gehrt explained that the negotiations have been challenging, including some very firm and extreme positions by the business representative of the FOP. While they have been receptive to the new health plan and 20% of premiums, the price that the FOP is asking the City to pay for that is not within the realm of a reasonable offer.

Attorney Gehrt explained that he approached the FOP with an offer to remove himself and the business agent from the negotiations in order to advance to more reasonable discussions. He explained that he will still be consulting with City staff. He explained that he is guardedly optimistic that the next face-to-face meeting will be fruitful, and hopefully prevent the need for arbitration.

Attorney Gehrt explained that one of the obstacles is to the wage increase movement from July to January. He asked whether they could back away from the re-alignment of the fiscal year for now, and suggested wage increases be a flat 2.5% across the board.

Finance Director Haley explained that the dollar amount has been allotted as a place holder, but the City doesn't necessarily want to show its hand, so it isn't specifically accounted for.

Attorney Gehrt explained that FOP is entitled to binding interest arbitration, and a case just came down from McLean County awarding a 3% wage increase. He explained that the case cannot be looked at in isolation, and that the average of what has been awarded is in alignment with what the City is prepared to offer.

Attorney Gehrt briefly explained economic arbitration as that of direct impact, as what it takes to fund the bargaining unit, of which wages certainly fall. He explained that an arbitrator must adopt one party or the other's, and cannot average the two.

Attorney Gehrt explained that nothing new is being asked, but he is providing an update as it is a bit contentious.

Further brief discussion ensued as to arbitration proceedings, and further health plan detail.

Assistant City Manager Hoppenstedt stated that the goal for the off the record discussion is to come to a better understanding so that collaboration can begin, and determine the direction moving forward.

Alderman Snow inquired as to whether there are other pieces that could be negotiated to help affect what the City can do later on.

Attorney Gehrt briefly explained some of the other parts of the negotiations.

Alderman Jacobson asked whether the money had been marked in the 2017 budget before Council this evening, with confirmation that it had.

ADJOURNMENT

MOTION

Alderman Jacobson moved to adjourn Executive Session; seconded by Alderman Faivre.

VOTE

Motion carried on an 8-0 voice vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey. Mayor Rey declared the motion passed, and adjourned Executive Session at 5:57 p.m.

JENNIFER JEE JOHNSON, City Clerk



Approved: April 24, 2017
Released: December 13, 2021

**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
EXECUTIVE SESSION OF THE CITY COUNCIL
DECEMBER 12, 2016**

The City Council of DeKalb, Illinois, held an Executive Session on December 12, 2016 in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Committee of the Whole meeting of the City Council of the same day.

The session started at 5:04 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman Tony Faivre, and Mayor John Rey. Alderman Dave Baker arrived at 5:09 p.m.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Human Resources Director Cris Randall, Public Works Director Tim Holdeman, Finance Director Cathy Haley, Attorney Benjamin Gehrt, and City Clerk Jennifer Jeep Johnson.

PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(c)(1)

City Attorney Frieders updated Council on a recent Public Access Counselor (PAC) decision regarding personnel discussions and how they interact with budgetary issues when being discussed in Executive Session. He explained that discussion must be limited to individual employees, and that discussions where an employee is merely a placeholder for a more generic budget discussion is a violation of the Open Meetings Act (OMA). The same is true of any discussions regarding collective bargaining as a placeholder for budgetary discussions. With consideration to the conversation this evening, the scope will be limited to documented performance issues. Budget discussions will take place in open session.

Attorney Gehrt provided brief additional detail of OMA requirements as they interact with employment law.

The following employees have had documented performance issues:

- 1) Ted Kozinski, Head Accountant (Finance)
- 2) Mike Bauling, Senior Implementation Engineer (Public Works)

Finance Director Haley provided background on the performance concerns regarding Mr. Kozinski.

Public Works Director Holdeman provided information regarding Mr. Bauling.

Detailed discussion ensued as to both of the employees.

City Manager Gaura added that both employees are on paths of performance improvement. Council could lead down another path, should they choose to eliminate the positions, but she cautioned them not to mention employee names in open session.

Discussion ensued.

Mayor Rey stated that performance issues regarding Mr. Kozinski and Mr. Bauling would be dealt with moving forward.

Alderman Noreiko encouraged everyone not to feel held hostage for the greater good of the organization.

Alderman Finucane offered that he's uncomfortable that this has been tied to budget discussions at all.

COLLECTIVE BARGAINING AS PROVIDED FOR IN 5 ILCS 120/2(c)(2)

Not acted on.

REVIEW OF EXECUTIVE SESSION MINUTES AS PROVIDED FOR IN 5 ILCS 120/2(c)(21)

Not acted on.

ADJOURNMENT

MOTION

Alderman Noreiko moved to adjourn Executive Session; seconded by Alderman Faivre.

VOTE

Motion carried on an 8-0 voice vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey. Mayor Rey declared the motion passed, and concluded Executive Session at 5:50 p.m.

JENNIFER JEEP JOHNSON
City Clerk



Approved: April 24, 2017
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
REGULAR MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
DECEMBER 12, 2016**

The City Council of DeKalb, Illinois, held an Executive Session on December 12, 2016 in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the regular meeting of the City Council of the same day.

The session started at 8:36 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman Dave Baker, Alderman Tony Faivre and Mayor John Rey.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Human Resources Director Cris Randall, Finance Director Cathy Haley, Police Chief Gene Lowery, Attorney Benjamin Gehrt, and City Clerk Jennifer Jeep Johnson.

COLLECTIVE BARGAINING AS PROVIDED FOR IN 5 ILCS 120/2 (c)(2)

City Manager Gaura explained that the purpose of this conversation was to provide an update as to the ongoing negotiations with the FOP and AFSCME.

1. FOP

Attorney Gehrt, regarding FOP negotiations, explained that the City is close to a favorable settlement. The FOP has agreed to align their contract with the new fiscal year. He explained that the removal of himself and the business representative of FOP from the discussions proved to be a good strategy. He added this issue needs to be before Council because it would extend the timeframe of the contract from 36 months to 42 months, which requires approval. He provided that the proposed wage increases are within budget parameters for FY2016.5 and FY2017.

Alderman Finucane expressed favor for the longer term.

Brief discussion ensued as to the Cadillac tax. Attorney Gehrt highlighted this includes the health plan and family medical leave, as well as changes to drug and alcohol testing language. He highlighted that several of the key objectives have been reached. Staff is seeking approval for moving forward.

Alderman Baker stated this is a demonstration that the FOP wants to be team players, and that this is a great deal.

Assistant City Manager Hoppenstedt stated that staff felt very comfortable and good about the off the record discussions, and were glad to be able to talk face-to-face. They said there was more progress made in two meetings than in the prior eight months with their business agent at the table. It positively positions the City for future negotiations. She added that the City was able to reach a great deal.

Police Chief Lowery said that City staff did an excellent job making in-roads with the FOP.

City Manager Gaura added to the sentiment of the excellent teamwork.

No objections were made, and consensus was reached to move forward and come back before Council in January 2017.

2. AFSCME

Attorney Gehrt explained that the AFSCME contract expires December 31, 2016. They do not have an absolute right to interest arbitration, but rather a right to strike. It would be up to the City to provide services in the event of a work strike. There was a meeting with AFSCME on November 16, 2016, which was very cordial. He characterized the proposals as fairly reasonable for first proposals, with some areas of common interest.

He provided the following as the issues that AFSCME wants addressed:

- A clothing allowance increase from \$550 to \$650.
- A holiday pay increase to double pay for Thanksgiving, Christmas Eve, and Christmas Day.
- A \$750 tool allowance for two auto mechanics.
- An increase in on-call pay.
- Mandatory rest between shifts for dispatchers.
- A 10% differential for time dispatchers spend calling for replacements.
- Vacation carryover for dispatchers.
- The addition of language reflecting current practice regarding dispatcher vacation selection and communication training officers.

Regarding Wages, AFSCME proposes a 4% increase for every year over four years. Attorney Gehrt explained that a survey done by professional forecasters from the federal reserve bank of Philadelphia forecasts that a 2.2% increase is reasonable for the area. Eight external comparables are 2.25% and under. Internal comparables average 2.5%. FOP and IAFF will be in negotiations soon, and AFSCME has historically received lower increases than both of them. The recommendation is a 2.25% per year increase, based on external comps and cost of living increases.

Brief discussion ensued as to the potential contract negotiations.

Discussion on step increases ensued.

Alderman Finucane offered his thoughts on several of the items.

Discussion ensued as to the mandatory rest period, suggesting that it is something that shouldn't be cave on.

Brief discussion ensued as to holiday pay time.

Further discussion ensued as to the mandatory breaks between shifts.

Attorney Gehrt asked whether there were objections to a 2.25% per year increase on a three year contract, and pursuing the fourth year at 2.5% in the final year. Consensus was reached.

Other Issues:

- Layoffs are currently strictly seniority. Push to convert to knowledge, skill, and ability, with seniority being a tie-breaker.

- Definition of a part-time employee. Change to 30 hours per week per ACA.
- Telecom holidays. Currently get 17 vacation days instead of holiday pay. Change to holiday pay.
- Add the right to change job titles with 10 days notice.
- Change vacation to accrual basis.
- Provide 90 days notice for sick leave pay-out. Language to avoid AP paid into differed comp or IMRF service credit.
- Health insurance. Flexibility on plan design.
- Hours of work. Change dispatch to reflect management choices regarding 8 to 10 hour shift.
- Probationary period. Twelve (12) months for all new hires (currently six for most employees).
- Drug testing. Same changes as FOP.
- Delete comp time. Same as non-bargaining unit employees.
- Miscellaneous clean-up issues.

Discussion on these items ensued.

Consensus reached to move forward with this bargaining strategy.

PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(c)(1)

Not acted upon.

REVIEW OF EXECUTIVE SESSION MINUTES AS PROVIDED FOR IN 5 ILCS 120/2(c)(21)
(Released: March 22, 2021)

City Manager Gaura stated that Executive Session Minutes would be discussed at the next meeting.

ADJOURNMENT

MOTION

Alderman Jacobson move to adjourn Executive Session; seconded by Alderman Noreiko.

VOTE

Motion carried on an 8-0 voice vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey. Mayor Rey declared the motion passed, and concluded Executive Session at 9:24 p.m.

JENNIFER JEFF JOHNSON, City Clerk





EXECUTIVE-CLOSED SESSION MINUTES INDEX

2017		Recommendation for Release	
		Yes	No
January 9, 2017 (COW) Approved: April 24, 2017 Audio Destroyed: November 19, 2019	Pending or Imminent Litigation	Released: March 22, 2021	
	Personnel	Released: July 9, 2018	
February 13, 2017 (Regular) Approved: April 24, 2017 Audio Destroyed: November 19, 2019	Collective Bargaining	X	
	Pending or Imminent Litigation	Released: March 22, 2021	
	Personnel		
February 27, 2017 (COW) Approved: April 24, 2017 Audio Destroyed: November 19, 2019	Collective Bargaining	X	
March 13, 2017 (COW) Approved: April 24, 2017 Audio Destroyed: November 19, 2019	Pending or Imminent Litigation	Released: March 22, 2021	
	Purchase or Lease of Real Property		
March 13, 2017 (Regular) Approved: April 24, 2017 Audio Destroyed: November 19, 2019	Collective Bargaining	X	
March 27, 2017 (COW) Approved: July 10, 2017 Audio Destroyed: November 19, 2019	Pending or Imminent Litigation	Released: March 22, 2021	
	Personnel		
	Purchase or Lease of Real Property		
March 27, 2017 (Regular) Approved: July 10, 2017 Audio Destroyed: March 15, 2019	Executive Session Minutes	Released: July 10, 2017	
April 10, 2017 (COW) Approved: July 10, 2017 Audio Destroyed: November 19, 2019	Collective Bargaining	X	
	Executive Session Minutes	Released: July 9, 2018	
April 10, 2017 (Regular) Approved: July 10, 2017 Audio Destroyed: November 19, 2019	Personnel	X	
April 24, 2017 (COW) Approved: July 10, 2017 Audio Destroyed: November 19, 2019	Collective Bargaining	X	
May 22, 2017 (Regular) Approved: July 10, 2017 Audio Destroyed: November 19, 2019	Pending or Imminent Litigation	Released: March 22, 2021	
June 12, 2017 (Regular) Approved: December 11, 2017 Audio Destroyed: November 19, 2019	Pending or Imminent Litigation	Released: March 22, 2021	
June 26, 2017 (Regular) Approved: December 11, 2017 Audio Destroyed: March 15, 2019	Executive Session Minutes	Released: July 9, 2018	



EXECUTIVE-CLOSED SESSION MINUTES INDEX

2017		Recommendation for Release	
		Yes	No
July 24, 2017 (Regular) Approved: December 11, 2017 Audio Destroyed: November 19, 2019	Pending or Imminent Litigation	Released: March 22, 2021	
August 14, 2017 (COW) Approved: December 11, 2017 Audio Destroyed: November 19, 2019	Pending or Imminent Litigation	Released: March 22, 2021	
	Purchase or Lease of Real Property		
August 28, 2017 (COW) Approved: December 11, 2017 Audio Destroyed: Pending	Pending or Imminent Litigation	Released: March 22, 2021	
September 11, 2017 (Regular) Approved: December 11, 2017 Audio Destroyed: November 19, 2019	Purchase or Lease of Real Property	Released: March 22, 2021	
September 19, 2017 (Regular) Approved: December 11, 2017 Audio Destroyed: November 19, 2019	Purchase or Lease of Real Property	Released: March 22, 2021	
September 25, 2017 (Regular) Approved: December 11, 2017 Audio Destroyed: Pending	Pending or Imminent Litigation	Released: March 22, 2021	
	Purchase or Lease of Real Property		
October 9, 2017 (Regular) Approved: December 11, 2017 Audio Destroyed: November 19, 2019	Personnel	Released: March 22, 2021	
	Purchase or Lease of Real Property		
October 23, 2017 (COW) Approved: December 11, 2017 Audio Destroyed: November 19, 2019	Personnel	Released: March 22, 2021	
October 23, 2017 (Regular) Approved: December 11, 2017 Audio Destroyed: November 19, 2019	Purchase or Lease of Real Property	Released: March 22, 2021	
November 13, 2017 (Regular) Approved: May 29, 2018 Audio Destroyed: Pending	Pending or Imminent Litigation	Released: March 22, 2021	
	Personnel		
	Security Procedures	X	
November 21, 2017 (Special) Approved: May 29, 2018 Audio Destroyed: November 19, 2019	Personnel	Released: March 22, 2021	
November 28, 2017 (Regular) Approved: May 29, 2018 Audio Destroyed: November 19, 2019	Executive Session Minutes	Released: March 22, 2021	

**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
EXECUTIVE SESSION OF THE CITY COUNCIL
JANUARY 9, 2017**

The City Council of DeKalb, Illinois, held an Executive Session on January 9, 2017, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Committee of the Whole meeting of the City Council of the same day.

The session started at 5:35 p.m. Council members in attendance were: Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman Tony Faivre, and Mayor John Rey. Alderman David Jacobson and Alderman Dave Baker were absent.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Human Resources Director Cris Randall, and Deputy City Clerk Ruth Scott.

**PERSONNEL 5 ILCS 120/2(C)(1)
PENDING OR IMMINENT LITIGATION 5 ILCS 120/2(C)(11)**

(Released: July 9, 2018)

City Attorney Frieders provided an overview of a case regarding an injured Police Officer. The officer acquired a work-related injury in May of 2014. She was treated and released back to work. The officer was injured again during another work-related incident in November of 2015. She received treatment that required surgery and was released back to work. The officer has since retired. Based on the injuries sustained, there was approximately a 25% loss of the use of her left leg. A settlement of 20% has been reached, which is an item included on this date's Regular meeting agenda for review and approval.

Alderman Faivre asked why the item is listed under the consent agenda. City Attorney Frieders replied that it's written subject to the arbitrator's approval. Once the City and the former officer sign the agreement, it will be submitted to arbitrator.

Assistant City Manager Hoppenstedt stated it has been past practice to bring such items forth to Council before presenting them to the arbitrator. The agreement isn't final until approved by the arbitrator.

PENDING OR IMMINENT LITIGATION AS PROVIDED FOR IN 5 ILCS 120/2(C)(11)

City Attorney Frieders provided Council with an overview of the property located at 1015-1017 Market Street. The City filed a lien and received a judgement for foreclosure. A Sheriff's sale is scheduled to be held later this week where the City will bid to obtain deed to the property.

City Attorney Frieders also provided an overview of 524 Clifford Drive. It was inspected by the Fire Department and the City's building consultant and determined to be hazardous and unsafe and poses a safety threat. Due to a flood the building is now uninhabited. Based on those conditions, the City is proceeding with the demolition process. He added it's one of the worst properties in the City.

Council members presented provided their consent to move forward with litigation.

City Attorney Frieders also provided Council with an update on the Otto's property. The City has been involved with a demolition case for unsafe and hazardous conditions. The City filed a petition and the owner filed a countersuit. The City then filed motion to dismiss.

The City received notice this past week that the owner has entered into a contract to sell the property.

ADJOURNMENT

MOTION

Alderman Snow motioned to adjourn Executive Session; seconded by Alderman Finucane.

VOTE

Motion carried on a 6-0-2 voice vote. Aye: Finucane, Marquardt, Snow, Noreiko, Faivre, Rey. Absent: Jacobson, Baker. Mayor Rey declared the motion passed and adjourned the meeting at 5:42 p.m.

RUTH A. SCOTT
Deputy City Clerk



Approved: April 24, 2017
Partial Release: July 9, 2018
Full Release: March 22, 2021

**MINUTES
CITY OF DEKALB
REGULAR MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
FEBRUARY 13, 2017**

The City Council of DeKalb, Illinois, held an Executive Session on February 13, 2017 in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Regular meeting of the City Council of the same day.

The session started at 9:11 p.m. Council members in attendance were: Alderman Mike Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman Dave Baker, Alderman Tony Faivre, and Mayor John Rey. Alderman David Jacobson arrived at 9:15 p.m. Alderman Bill Finucane was absent.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Human Resources Director Cris Randall, Finance Director Cathy Haley, Attorney Benjamin Gehrt, and City Clerk Jennifer Jeep Johnson.

COLLECTIVE BARGAINING AS PROVIDED FOR IN 5 ILCS 120/2(c)(2)

Attorney Gehrt explained that non-bargaining unit wage increases were proposed at 2.5% (Fire and Police both at 2.5%). He highlighted there is no step increase and addressed the issue of compression.

Attorney Gehrt stated that bargaining unit employees have received almost two-times the increases, causing the compression issue, one of the reasons the 2.5% increase for non-bargaining unit employees is recommended.

Attorney Gehrt explained that the part-time work force, of which there are 37 employees, are not prevented them from unionizing, so it's a good idea to keep them happy by staying consistent with the marketplace as a whole. He explained that previously, the administrative support staff had nothing changed other than title in order to prevent certain rules from applying to them, which doesn't meet the test criteria that would be applied if presented in court.

City Manager Gaura reminded everyone that the city is transitioning to a pay per performance merit-based system, but are not quite there yet.

Human Resources Director Randall stated that the population of the City work force is aging, which means the City will be facing many retirements. As such, if the City is to attract new talent, it needs to remain competitive.

City Manager Gaura highlighted that both Police Chief Lowery and Fire Chief Hicks have expressed that the plan is working, because prior to it, their employees didn't want promotions as it put them in a less desirable position by eliminating their union benefits.

Finance Director Cathy Haley walked Council through the impact of the percentages on the budget.

Brief discussion ensued as to the part-time Phase 3.

Brief discussion ensued as to the various evaluations conducted throughout the departments, and the plan to make them consistent. An evaluation of the new system will be conducted to ensure fairness to all employees.

Attorney Gehrt stated that pay-for-performance has been included in every wish list with union negotiations, but it isn't realistic.

Consensus reached for the proposed increase.

Attorney Gehrt and Finance Director Haley left the room at 9:37 p.m.

PENDING OR IMMINENT LITIGATION AS PROVIDED FOR IN 5 ILCS 120/2(c)(11)
(Released: March 22, 2021)

City Attorney Frieders updated Council on the lawsuit brought by the owner of Campus Cinema regarding his multiple ordinance violations. He initially plead guilty, but is now appealing the decision. He refiled his case as a special use zoning lawsuit. City Attorney Frieders stated he was filing a motion to dismiss.

PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(c)(1) (Released: March 22, 2021)

City Manager Gaura relayed that City Engineer Laskowski had resigned to take a new position.

ADJOURNMENT

MOTION

Alderman Jacobson moved to adjourn Executive Session; seconded by Alderman Marquardt.

VOTE

Motion carried on a 7-0-1 voice vote. Aye: Jacobson, Marquardt, Snow, Noreiko, Baker, Faivre, Rey. Absent: Finucane. Mayor Rey declared the motion passed, and concluded Executive Session at 9:41 p.m.



Approved: April 24, 2017
Partial Release: March 22, 2021
Full Release: December 13, 2021

**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
EXECUTIVE SESSION OF THE CITY COUNCIL
FEBRUARY 27, 2017**

The City Council of DeKalb, Illinois, held an Executive Session on February 27, 2017 in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Committee of the Whole meeting of the City Council of the same day.

The session started at 6:05 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Bob Snow, Alderman Tony Faivre, and Mayor John Rey. Alderman Dave Baker arrived at 6:06 p.m. Alderman Kate Noreiko arrived at 6:07 p.m.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Human Resources Director Cris Randall, Finance Director Cathy Haley, Police Chief Gene Lowery, Attorney Ben Gehrt, and City Clerk Jennifer Jeep Johnson.

COLLECTIVE BARGAINING AS PROVIDED FOR IN 5 ILCS 120/2(c)(2)

Attorney Gehrt conveyed that a tentative agreement has been reached with FOP, and was within the bounds of the previous agreement. He added they were able to get FOP to agree to align the contract with the new fiscal year, and is right in line with what Council authorized.

Regarding health insurance, it will now mirror all City employees, including premium contribution. Additionally, improvements had been made to drug-testing, and FMLA language.

Attorney Gehrt characterized the contract as one that is favorable, and aligns with the City's goals, and it is the unanimous recommendation that Council vote to approve.

Alderman Jacobson inquired as to whether the City's annual growth rate has been projected. Brief discussion ensued.

Police Chief Lowery left the room at 6:12 p.m.

Attorney Gehrt explained that the non-bargaining unit employees are recommended to have an increase at 2.5% to avoid compression concerns. He encouraged Council to approve this number as it had previously been agreed upon as it is both reasonable, and keeping in-line with studies that show the trends are moving upward quickly.

Alderman Baker wondered whether these changes would be retroactive to January 1, 2017, with the answer being they would, and are within budget parameters.

Further discussion ensued as to merit based pay increase.

PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(c)(1)

Not acted on.

ADJOURNMENT

MOTION

Alderman Jacobson moved to adjourn Executive Session; seconded by Alderman Marquardt.

VOTE

Motion carried on an 8-0 voice vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey. Mayor Rey declared the motion passed, and concluded Executive Session at 6:18 p.m.



Approved: April 24, 2017
Released: December 13, 2021

**EXECUTIVE SESSION MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
MARCH 13, 2017**

The City Council of DeKalb, Illinois, held an Executive Session on March 13, 2017, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Committee of the Whole meeting of the City Council of the same day.

The session started at 5:17 p.m. Council members in attendance were: Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman Dave Baker, Alderman Tony Faivre, and Mayor John Rey. Alderman David Jacobson arrived at 5:48 p.m.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Community Development Director Jo Ellen Charlton, Economic Development Planner Jason Michnick, and Deputy City Clerk Ruth Scott.

PURCHASE OR LEASE OF REAL PROPERTY AS PROVIDED FOR IN 5 ILCS 120/2(C)(5)

City Manager Gaura provided Council with an overview regarding the Royal Travel property. She stated that Economic Development Planner Michnick had been working on acquiring an appraisal of the property, as well as working with the property owners.

Economic Development Planner Michnick stated that an appraisal of the property indicates a value of \$345,000. The owner of the property has submitted in writing what they would accept, which is \$450,000.

Alderman Baker provided history of the property. He thinks the property would be good for a parking garage, as well as a solution for the Egyptian Theatre proposed renovations.

City Manager Gaura stated there have been discussions with the Egyptian Theatre regarding the site and possible renovations. She added that City staff would recommend acquisition and demolition of the building on the site. City Manager Gaura also stated that knowing some of the plans the Theatre's board has for the potential renovation of the Egyptian Theatre, she doesn't think it would be a good space for garage.

There was a brief discussion regarding capital gains tax.

Alderman Noreiko asked if the building was in such condition that it would be that it would be condemned. City Attorney Frieders stated not at this time.

Alderman Faivre stated he was not in favor of purchasing the property above the appraised value.

Mayor Rey indicated he was interested in the City pursuing the property as a use potential.

Alderman Finucane stated he'd like to know if the property is contaminated because of the gas station that was previously located on the site. He also thinks the asking price is too high.

Alderman Snow stated there's a value in owning the property, but he isn't interested in overpaying for it. He added there may be some environmental issues.

Alderman Noreiko asked what it would cost to demolish the building on the site and complete an environmental assessment. City Attorney Frieders replied there was no basis to determine costs.

There was brief discussion regarding the age of the building.

Alderman Finucane asked if the owner of the property had received its own appraisal, with Economic Development Planner Michnick replying they had not.

Discussion ensued regarding the property's value and the dollar amount Council would consider offering for purchasing it, with the consensus being \$360,000. City Attorney Frieders added there would also be closing costs.

Community Development Director Charlton added that the seller isn't motivated to sell.

Assistant City Manager Hoppenstedt stated that when she spoke with Janice Barlow & Associates, they identified the expansion needs of the Egyptian Theatre. Janice Barlow also suggested that the property in question would be a location the Theatre would benefit for renovation purposes.

Discussion ensued.

Community Development Director Charlton stated that even if the Egyptian Theatre wasn't interested in the property for renovation purposes, if the City did purchase the property, it would have two pieces of property that could be marketed.

Economic Development Planner Michnick added that the intersection where the property is located is one of the busiest in DeKalb.

Economic Development Planner Michnick left the room at 5:46 p.m.

PENDING OR IMMINENT LITIGATION AS PROVIDED FOR IN 5 ILCS 120/2(C)(11)

City Attorney Frieders provided a brief overview and requested that the Council enter a finding in the record that litigation with respect to 912 Edgebrook is imminent. The Council made said finding. The property has been vacant for two-and-a-half years, and the conditions inside the building are deplorable, uninhabitable, and the structure is a safety issue to the community. A search warrant was received, and a search of the building was conducted.

City Attorney Frieders provided a video of the inside of the building for Council to view, which was narrated by Deputy Fire Chief Zarek.

Alderman Baker provided historic information regarding the property.

City Attorney Frieders stated that the location of the property isn't in a TIF district. He further stated that litigation will most likely move forward within the next two months. The first count would be to request that the property be remediated by the owner. The second would request owner demolition. If neither of those things happened, the City would move forward with obtaining a demolition order.

Alderman Jacobson inquired as to the demolition costs, with City Attorney Frieders stating approximately \$300,000.

Discussion ensued.

Alderman Noreiko asked if there is an indication that the owner would have the means and willingness, if not to repair, to demolish. City Attorney Frieders replied that the lack of action over the past years would imply no willingness.

There was a brief discussion regarding demolition costs.

Alderman Jacobson provided information he had regarding the owner. He stated the owner has someone who wants to purchase the property, but feels the City is preventing them from moving forward.

City Attorney Frieders stated that no occupancy or building permits have been applied for or denied.

There was no objection from Council to pursuing legal action.

PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(C)(1).

Not acted on.

ADJOURNMENT

MOTION

Alderman Snow motioned to adjourn Executive Session; seconded by Alderman Jacobson. All in favor on an 8-0 voice vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey. Mayor Rey declared the motion passed and adjourned the meeting at 6:00 p.m.

RUTH A. SCOTT
Deputy City Clerk



Approved: April 24, 2017
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
REGULAR MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
MARCH 13, 2017**

The City Council of DeKalb, Illinois, held an Executive Session on March 13, 2017 in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Regular meeting of the City Council of the same day.

The session started at 9:27 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Mike Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman Dave Baker, Alderman Tony Faivre, and Mayor John Rey. Alderman Bill Finucane arrived at 9:28 p.m.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Human Resources Director Cris Randall, Finance Director Cathy Haley, Fire Chief Eric Hicks, Attorney Benjamin Gehrt, and Deputy City Clerk Ruth Scott.

PURCHASE OR LEASE OF REAL PROPERTY AS PROVIDED FOR IN 5 ILCS 120/2(C)(5)

Not acted on.

PENDING OR IMMINENT LITIGATION AS PROVIDED FOR IN 5 ILCS 120/2(C)(11)

Not acted on.

PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(C)(1)

Not acted on.

COLLECTIVE BARGAINING AS PROVIDED FOR IN 5 ILCS 120/2(C)(2)

City Manager Gaura stated that the president of the IAFF approached the City for an off the record discussion regarding the IAFF contract. A follow-up meeting was held with the IAFF president, Assistant City Manager Hoppenstedt, and Human Resources Director Randall, as well as the labor attorney, Ben Gehrt. Over last two weeks the City has devised a framework for the next collective bargaining agreement with IAFF that would be in effect for three years.

Attorney Gehrt stated that when the IAFF approached City for a quick contract resolution and asked what the City wanted in return, specific areas of concern were narrowed down.

One would be the assignment of a Fire Prevention Lieutenant. The City already has one but through a contractual process. From the Fire Chief's perspective, this role needs to be available for duty trades. The IAFF for its part was interested in wages and some clean up on secondary employment language. When Human Resources Director Randall and Fire Chief Hicks met with the IAFF president, he felt he could work with that.

Attorney Gehrt stated that common ground needs to be found. Regarding wages, the IAFF said that with the contract expiring, they would take a zero percent increase for six months. Attorney Gehrt further explained that 1.75% was offered for a two-and-a-half year contract. IAFF countered for another year for a three-and-one-half year agreement. Attorney Gehrt stated that no commitments have been made as of yet.

Finance Director Haley provided information to Council that shows the annualized increase, calculated for 12 months. She added that budget dollars would be saved in the amount of approximately \$29,000.

City Manager Gaura stated that City staff and Attorney Gehrt have been working expeditiously to bring this information to Council.

Alderman Jacobson asked if the City had been successful in getting all the unions to agree to the Cadillac tax. Attorney Gehrt said yes, and Assistant City Manager Hoppenstedt confirmed.

There was a brief discussion regarding budgeted health care rates.

Alderman Marquardt asked what the role of Fire Prevention Officer is, with Fire Chief Hicks explaining. City Manager Gaura added that the current language in the code doesn't allow appointment rights for this role to the Fire Chief.

City Manager Gaura stated that if Council was receptive, Attorney Gehrt will continue to work with the IAFF with the possibility of bringing the contract to Council as soon as April 10, 2017.

Council replied in the affirmative.

ADJOURNMENT

MOTION

Alderman Jacobson moved to adjourn the Executive Session meeting; seconded by Alderman Faivre.

VOTE

All in favor by an 8-0 voice vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey. Mayor Rey declared the motion passed and adjourned the meeting at 9:52 p.m.


RUTH A. SCOTT, Deputy City Clerk

Approved April 24, 2017
Released: December 13, 2021



**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
EXECUTIVE SESSION OF THE CITY COUNCIL
MARCH 27, 2017**

The City Council of DeKalb, Illinois, held an Executive Session on March 27, 2017, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Committee of the Whole meeting of the City Council of the same day.

The session started at 5:04 p.m. Council members in attendance were: Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman Dave Baker, Alderman Tony Faivre, and Mayor John Rey. Alderman David Jacobson arrived at 5:11 p.m.

Also present were: City Manager Anne Marie Gaura, City Attorney Dean Frieders, Human Resource Director Cris Randall, Community Development Director Jo Ellen Charlton, and City Clerk Jennifer Jeep Johnson.

PENDING OR IMMINENT LITIGATION PROVIDED FOR IN 5 ILCS 120/2(c)(11)

Human Resources Director Randall provided background on a workers' compensation case regarding a severe shoulder injury that resulted in three surgeries and seven years of treatment. The employee reached MMI in 2015 and is now back to work at full duty. The employee is seeking a pro-se settlement, with City exposure of roughly 40% of an arm. As this is pro-se, the recommendation is to seek 35%, or roughly \$55,000. Authorization will be to seek to maximum exposure, hoping to land at slightly less.

City Attorney Frieders reminded Council that final action will be brought back before them during a regularly scheduled meeting.

Brief discussion ensued as to how workers' compensation law operates and how this particular injury falls within comparable cases.

Concurrence was reached to move forward with the settlement.

Human Resources Director Randall left the meeting at 5:15 p.m.

PURCHASE OR LEASE OF REAL PROPERTY AS PROVIDED FOR IN 5 ILCS 120/2(c)(5)

Community Development Director Charlton provided an update on the purchase of Royal Travel. She stated that Economic Development Planner Michnick's offer was rejected, even though the owners of Royal Travel asked for and received a copy of the appraisal. At this point, there will be no further action, unless directed by Council. Further discussion ensued.

City Attorney Frieders provided additional information on 912 Edgebrook and the potential for the City to acquire the same by donation. Final remediation notice was sent, and concurrence reached by Council for that fact to be included in the record.

Discussion ensued as the best use of the space.

City Manager Gaura stated this is an opportunity to enforce the codes and policies of the City. It sends the message that the City expects properties to be maintained.

Consensus was reached to take the deal that the attorney is offering.

Community Development Director Charlton left the meeting at 5:36 p.m.

PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(C)(1)

City Manager Gaura provided a high-level overview of her self- evaluation, explaining there would be follow-up discussion in two weeks. She provided the high points, including;

- Putting together a leadership team, and the filling of vacant positions.
- Strongest General fund balance in 11 years.
- Expanded the budgeting process and receiving multiple commendations.
- Continuation of cost reductions, as well as an increase in grant pursuit.
- Increased efficiencies in Police and Fire hiring/operations.
- New/increased revenue streams.
- Additional avenues of communication.
- Contracting out where appropriate to save costs.
- NIU student leaders group meetings on a monthly basis.
- Additional HR projects.
- A 265% increase in inspections.
- Specific development projects.
- Demolition/remediation properties.
- Also serves on the DeKalb County Enterprise Zone to help coordinate projects.

Input received from Council included focus on finances, keeping a balanced budget, and working with NIU to improve communications.

City Manager Gaura detailed some of the specific steps taken to address direction from Council.

Mayor Rey stated that evaluation forms were due back on April 3, 2017, after which he would summarize the input for review on April 10, 2017.

MOTION

Alderman Jacobson moved to adjourn Executive Session; seconded by Alderman Faivre.

VOTE

Motion carried on an 8-0 voice vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey. Mayor Rey declared the motion passed, and adjourned Executive Session at 5:53 p.m.

JENNIFER JEEP JOHNSON
City Clerk



**MINUTES
CITY OF DEKALB
REGULAR MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
MARCH 27, 2017**

The City Council of DeKalb, Illinois, held an Executive Session on March 27, 2017, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Regular meeting of the City Council of the same day.

The session started at 8:14 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman Dave Baker, Alderman Tony Faivre, and Mayor John Rey

Also present were: City Manager Anne Marie Gaura, City Attorney Dean Frieders, and City Clerk Jennifer Jeep Johnson.

PENDING OR IMMINENT LITIGATION AS PROVIDED FOR IN 5 ILCS 120/2(c)(11)

Not acted on.

PURCHASE OR LEASE OF REAL PROPERTY AS PROVIDED FOR IN 5 ILCS 120/2(c)(5)

Not acted on.

PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(c)(1)

Not acted on.

EXECUTIVE SESSION MINUTES AS PROVIDED FOR IN 5 ILCS 120/2 (c)(21)

City Attorney Frieders introduced the minutes for review, and very brief discussion ensued.

Consensus to approve was reached.

MOTION

Alderman Jacobson moved to adjourn Executive Session; seconded by Alderman Marquardt.

VOTE

Motion carried on an 8-0 voice vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey. Mayor Rey declared the motion passed, and adjourned Executive Session at 8:17 p.m.

Approved: July 10, 2017
Released: July 10, 2017



**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
EXECUTIVE SESSION OF THE CITY COUNCIL
APRIL 10, 2017**

The City Council of DeKalb, Illinois, held an Executive Session on April 10, 2017, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Committee of the Whole meeting of the City Council of the same day.

The session started at 5:21 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Bob Snow, Alderman Tony Faivre, and Mayor John Rey. Alderman Baker was absent. Alderman Kate Noreiko arrived at 5:22 p.m.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Human Resources Director Cris Randall, Fire Chief Eric Hicks, Attorney Benjamin Gehrt, and City Clerk Jennifer Jeep Johnson.

PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(c)(1)

Not acted on.

COLLECTIVE BARGAINING 5 ILCS 120/2(c)(2)

Attorney Gehrt provided an update on the IAFF agreement, stating an agreement had been reached. Economically, it matches the parameters previously discussed, and collaborative efforts allowed the agreement to be reached in under a month.

Attorney Gehrt further stated that there were items on the City's "ask" list that were achieved. They included aligning with the calendar year fiscal year, changes regarding the Fire Prevention Bureau agreements that help the Fire Department stay operationally sound, and the secondary employment policy (volunteer department).

Brief discussion regarding hours and Medicare eligibility ensued.

Human Resources Director Randall highlighted that this agreement will provide roughly a \$30,000 savings in this calendar year.

Fire Chief Hicks left the meeting at 5:33 p.m.

Attorney Gehrt provided an update on the AFSCME negotiations, stating they are much more frustrating than what was initially anticipated. He stated that agreements have been reached on several of the items, and progress is being made, although very slowly.

Attorney Gehrt explained that discussions continue around wages, the work week, lay-off language (knowledge, skill, and ability rather than strict seniority), comp-time plan language, and vacation time accrual. Additionally, the telecommunicators have indicated that they are not getting enough rest between shifts and having difficulty scheduling vacations. There are also discussions regarding extra-time off in lieu of holiday pay to align with the rest of the force.

Attorney Gehrt also offered that negotiations have been difficult in that they (AFSCME) have come to the table unprepared, or re-tendering issues that have been decided. The AFSCME lead negotiator is suggesting that mediation might be a good idea, which Attorney Gehrt stated he accepted, adding it is a non-binding mediation. Further, this is a right to strike unit, which is a right they reserve, but it is unlikely (though preparations have been made in the event that they do).

Attorney Gehrt stated that mediation is scheduled to take place on April 18 and 20, 2017. He's not optimistic that an agreement will be reached, but if it is, he wants to get it in front of Council as soon as possible so that the deal can't be reneged upon.

Alderman Finucane suggested that information be conveyed in advance of the meeting so there's time to digest the information.

Alderman Noreiko asked which employees were covered by AFSCME, with the response being administrative staff, public works, and telecommunicators.

EXECUTIVE SESSION MINUTES 5 ILCS 120/2(c)(21) (Released: July 9, 2018)

City Attorney Frieders passed out the Executive Session minutes for review to Council and recommended approval.

Consensus was reached for approval.

MOTION

Alderman Jacobson motioned to adjourn Executive Session; seconded by Alderman Marquardt.

VOTE

Motion carried on a 7-0-1 voice vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Faivre, Rey. Nay: None. Absent: Baker. Mayor Rey declared the motion passed, and adjourned Executive session at 5:50 p.m.

Approved: July 10, 2017
Partial Release: July 9, 2018
Full Release: December 13, 2021



**MINUTES
CITY OF DEKALB
REGULAR MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
APRIL 10, 2017**

The City Council of DeKalb, Illinois, held an Executive Session on April 10, 2017, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Regular meeting of the City Council of the same day.

The session started at 7:35 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman Tony Faivre, and Mayor John Rey. Alderman Dave Baker was absent.

Also present were: City Manager Anne Marie Gaura, City Attorney Dean Frieders, and City Clerk Jennifer Jeep Johnson.

PERSONNEL 5 ILCS 120/2(c)(1)

Mayor Rey provided an overview of the performance reports received from Council members on the annual review of City Manager Gaura, including the 2016 objectives and an assessment of key accomplishments.

City Manager Gaura explained her intention to follow-up with Council members in regard to their particular analysis.

City Manager Gaura left the meeting at 7:42 p.m.

Alderman Jacobson offered his opinion that the process by which the City Manager is evaluated is not conducted appropriately as individuals are identified in the reports, which can lead to being intimidated into providing higher numbers than they otherwise would.

Brief discussion ensued as to the evaluations.

Alderman Jacobson stated his belief that the reports should be made public, because they were provided to the City Manager.

Alderman Finucane also expressed discomfort with the fact that the comments were identified with the commenter's name, as well as the fact that they were given to the City Manager before Council had a chance to see them.

Alderman Faivre provided additional feedback on the way evaluations are done.

Alderman Noreiko disagreed that the information should be provided publicly, but agreed that it would have been better for the commenters not to be identified. On the other hand, the benefit of identifying the commenter allows for clarification, should it be needed.

Alderman Finucane stated this is why the comments should have been shared amongst Council members in advance of being given to the City Manager.

Alderman Jacobson reiterated that this information should not be shared with the City Manager, and again stated that he doesn't feel the process was conducted appropriately.

Alderman Finucane stated his belief that discussion regarding other members' comments should be held.

Alderman Marquardt expressed that a streamlined version of the review and evaluation process could be beneficial.

Alderman Jacobson expressed the value in the written forum, as well as the self-evaluation, which allows for Council to understand how the City Manager thinks she's performing. He said the written forms are much better now than in prior years, but a standardized format is necessary.

Further discussion ensued as to specific action items of the City Manager's self-evaluation.

Discussion ensued as to specific Council member's comments.

Further discussion ensued as to the performance of the City Manager as it relates to leadership.

Discussion regarding the budget process followed. Alderman Finucane and Alderman Marquardt both expressed that they'd like to see more detail to better understand expenditures.

Alderman Faivre expressed that he doesn't want to micromanage, and that data presented should be easily verifiable.

Alderman Jacobson expressed that the Finance Advisory Committee should be better utilized by meeting more frequently and providing better information to the Council. He wants a thorough understanding of the expenditures.

Brief discussion ensued as to the general fund balance.

Alderman Finucane wanted to move to discussion regarding the overall numbers, and how it will impact the decision on salary.

Discussion regarding the numbers assigned to each evaluation category ensued.

Brief discussion ensued as to the meaning of the numerical values according to the individual Council members.

Alderman Jacobson stated his belief that the starting number for the City Manager's increase should be COLA and that there shouldn't be a large bonus.

Alderman Finucane offered to match the increase given to the other non-bargaining unit employees.

Alderman Marquardt left the meeting at 8:36 p.m.

Mayor Rey provided data from comparable communities.

Alderman Marquardt returned to the meeting at 8:38 p.m.

Alderman Jacobson offered that a bonus should be given based on one year of performance.

Brief discussion as to a market increase versus other kinds of increases ensued.

Alderman Snow offered that a 2.5% increase should be considered, to keep in line with other non-bargaining unit employees, and then move to a discussion regarding bonus, if any.

Alderman Noreiko expressed favor for a 2.5% COLA, as well as a \$1,000 bonus.

Alderman Faivre expressed favor for a lower percentage COLA, and a bonus to make up for the remaining percentage.

Alderman Finucane left the meeting at 8:56 p.m.

Alderman Marquardt offered a 3% total increase.

Alderman Finucane returned to the meeting at 8:58 p.m.

Alderman Noreiko offered that the COLA increase was never intended to be tied to performance, and the numbers suggest that her performance merits a bonus.

Consensus was reached to split the percentage between the base and bonus (1.25% base increase, 1.75% in bonus form).

Mayor Rey expressed his belief that those numbers are low, but that consensus is reached at those numbers.

City Attorney Frieders explained that City Manager evaluations are typically not listed on agendas, and are dealt with administratively, based on comparable cities. He expressed his opinion that the PAC does not currently have opinions out on this matter, but imagines that there soon will be. He thought final action on this matter should happen in an open meeting setting, despite the fact that other municipalities don't go to those lengths. He recommended taking this action to open session.

Alderman Jacobson recommended placing this as an item under separate action.

Alderman Finucane suggested allowing Mayor Rey to share this information with the City Manager.

Consensus was reached.

EXECUTIVE SESSION MINUTES AS PROVIDED FOR IN 5 ILCS 120/2(c)(21)

Not acted on.

MOTION

Alderman Jacobson moved to adjourn Executive Session; seconded by Alderman Marquardt.

VOTE

Motion carried on a 7-0-1 voice vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Faivre, Rey. Nay: None. Absent: Baker. Mayor Rey declared the motion passed, and adjourned Executive session at 9:16 p.m.



Approved: July 10, 2017
Released: December 13, 2021

**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
EXECUTIVE SESSION OF THE CITY COUNCIL
APRIL 24, 2017**

The City Council of DeKalb, Illinois, held an Executive Session on April 24, 2017, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Committee of the Whole meeting of the City Council of the same day.

The session started at 5:51 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Bob Snow, Alderman Kate Noreiko, Alderman Dave Baker, Alderman Tony Faivre, and Mayor John Rey.

Also present were: City Manager Anne Marie Gaura, City Attorney Dean Frieders, Public Works Director Tim Holdeman, Finance Director Cathy Haley, Police Chief Gene Lowery, Attorney Jim Powers, and City Clerk Jennifer Jeep Johnson.

COLLECTIVE BARGAINING AS PROVIDED FOR IN 5 ILCS 120/2(c)(2).

Attorney Powers provided background on the AFSCME negotiations, which included that the probationary period has been extended to 12 months, from the six months currently in place. He added that there is also greater flexibility regarding drug and alcohol testing. Wages came in under the authority for the first two years, with 2.5% at the third. Monthly accrual for vacation, rather than a lump sum. In 2018 all AFSCME employees will start accruing vacation on a monthly basis, which will provide some leverage for future negotiations. For newly hired telecommunicators, the special holiday provision was eliminated and replaced with 17 additional days off. The middle ground approach was to eliminate for all new hires, covered by typical holiday provisions.

City Manager Gaura added that the agreement was ratified on April 22, 2017.

Brief discussion regarding step-increases/decreases ensued.

PENDING OR IMMINENT LITIGATION AS PROVIDED FOR IN 5 ILCS 120/2(c)11

Not acted on.

PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(c)(1)

Not acted on.

MOTION

Alderman Finucane moved to adjourn Executive Session; seconded by Alderman Marquardt.

VOTE

Motion carried on an 8-0 voice vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey. Mayor Rey declared the motion passed, and adjourned Executive Session at 6:03 p.m.

JENNIFER JEEP JOHNSON, City Clerk



**MINUTES
CITY OF DEKALB
REGULAR MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
MAY 22, 2017**

The City Council of DeKalb, Illinois, held an Executive Session on March 13, 2017, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Regular meeting of the City Council of the same day.

The session started at 7:51 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Pat Fagan, Alderman Kate Noreiko, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Also in attendance were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, City Clerk Susanna Herrmann, and Deputy City Clerk Ruth Scott.

PENDING OR IMMINENT LITIGATION AS PROVIDED FOR IN 5 ILCS 120/2(c)(11)

City Attorney Frieders provided an update on a pending lawsuit filed against the City that revolves around an incident that took place at the Ellwood Steakhouse in April 2016. He provided background information for the new Council members stating this case involves an altercation between a female patron and her boyfriend who worked at the restaurant, which escalated to a point where the manager of the establishment called for Police assistance. Upon their arrival, the female involved in the altercation informed Police that she had been assaulted by the manager. Statements were taken from those involved and the female patron received medical attention for a fractured wrist.

City Attorney Frieders continued, stating that the female involved had at one point signed a release for her medical information. She has since withdrawn that release. She is also claiming a conspiracy between the City, the owner of Ellwood Steakhouse, and Police Chief Lowery. A subsequent investigation indicates that none of those allegations were found to be apparent. Currently the case is pending in federal court and a settlement hearing is scheduled.

Discussion ensued regarding the lawsuit and the City's position.

City Manager Gaura asked City Attorney Frieders to provide an overview to Council regarding the sanctity of Executive Sessions. City Attorney Frieders provided a brief overview.

MOTION

Alderman Faivre moved to adjourn the Executive Session meeting; seconded by Alderman Jacobson.

VOTE

All in favor by an 8-0 voice vote. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Mayor Smith declared the motion passed and adjourned the meeting at 8:19 p.m.

SUSANNA HERRMANN
City Clerk



Approved: July 10, 2017
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
REGULAR
EXECUTIVE SESSION OF THE CITY COUNCIL
JUNE 12, 2017**

The City Council of DeKalb, Illinois, held an Executive Session on June 12, 2017, in the DeKalb Municipal Building, 200 S. Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Regular meeting of the City Council of the same day.

The session started at 9:15 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Mike Marquardt, Alderman Pat Fagan, Alderman Kate Noreiko, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith. Absent: Finucane.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Police Chief Gene Lowery, Human Resources Director Cris Randall, Workers' Compensation Attorney Bob Ulrich, City Clerk Susanna Herrmann, and Deputy City Clerk Ruth Scott.

PENDING LITIGATION 5 ILCS 120/2(c)(11)

City Manager Gaura stated that the purpose of the Executive Session was for Council and staff to discuss three Workers' Compensation cases.

Human Resources Director Randall provided a brief background of the City's Workers' Compensation insurance policy and introduced Bob Ulrich, the City's Workers' Compensation attorney.

Attorney Ulrich began the discussion with the case of Kevin Ferrigan, noting that he and staff are confident that a settlement can be reached. He provided a history of the Workers' Compensation case with Mr. Ferrigan, including details of the injuries that Mr. Ferrigan sustained while working for the DeKalb Police Department.

Attorney Ulrich discussed significant factors outlined by the Illinois Workers' Compensation Commission (IWCC) that would impact the value of the settlement, including the range of injuries sustained and the fact that Mr. Ferrigan is a Police Officer. He stated that the IWCC publicly posts their range of value based on the injury and their decisions regarding cases of this nature. He noted the monetary value associated with each end of the range and proposed that Council and staff move forward with the case by offering \$31,530 settlement.

Attorney Ulrich continued, informing Council that on April 25, 2016, Mr. Ferrigan was involved in another work-related accident that raised the concern of additional injuries to the previously treated foot. Although no additional injuries were found while Mr. Ferrigan was being treated by a physician, Attorney Ulrich stated that the incident would be included in the settlement, at no additional cost.

Attorney Ulrich asked Council for settlement authority in this case in the amount of \$31,530.43, per his recommendation.

City Attorney Frieders mentioned that in past practice regarding Workers' Compensation claims, City staff brings the case to Executive Session seeking consensus of Council's comfort level with the recommendation, then brings the discussion forward to Council as an action item on a Regular City Council meeting agenda, typically on the Consent Agenda. At that point, the item will be voted on in order to formally authorize the settlement. He reiterated that the purpose of the discussion that takes place in Executive Session is for Council to reach a consensus on the issue.

Alderman Fagan asked Attorney Ulrich to clarify that the recommended settlement amount was at the low end of the range outlined by the IWCC. Attorney Ulrich confirmed.

Alderman Fagan then asked Attorney Ulrich how he thinks Mr. Ferrigan and his attorney will react to the settlement offer. Attorney Ulrich replied that he has participated in discussion with Mr. Ferrigan and his attorney(s), and that there are several factors working in the City's favor. He also stated that it is his belief that Mr. Ferrigan is looking forward to the conclusion of the case.

Alderman Verbic asked if Mr. Ferrigan was paid while he was not working, due to the injury. Attorney Ulrich replied that he was.

Assistant City Manager Hoppenstedt asked Attorney Ulrich to explain the Public Employee Disability Act (PEDA) to inform Council of the legal obligations the City is subject to.

Attorney Ulrich explained that when civilians sustain a work-related injury, they are able to acquire Temporary Total Disability Benefits, which is two-thirds of your regular wage. When a Police Officer or a Fire Fighter sustains a work-related injury, they are entitled to their full wage and benefits. He noted that in this particular case, Mr. Ferrigan received his regular wage, including his benefits, which paid for his medical expenses related to the injury. Attorney Ulrich also noted that the physician who examined Mr. Ferrigan agreed that the Workers' Compensation procedures being exhibited in the case were appropriate.

Alderman Verbic asked Attorney Ulrich for the reasoning behind the extra compensation, considering that none of Mr. Ferrigan's income was lost along the way and he is currently back to work and ready to contribute.

Attorney Ulrich explained the concept of permanency. Under the Workers' Compensation Act, there are three sets of revenues that the employee is entitled to. The first is their regular wages while they are not working due to the injury, the second is their medical expenses related to the injury, and the third is permanency. He stated that permanency is decided on a case-by-case basis and considers several contributing factors to the case such as the nature of the injury, recovery time, the nature of the case, and the employee's age.

City Attorney Frieders asked Attorney Ulrich to explain permanency in relation to the schedule of body parts and the percentage of body parts loss.

Attorney Ulrich stated there is a formula that is used to determine financial compensation based on which body part is injured and the extent of the injury. He stated, as an example, that an arm would be worth 253 weeks.

Alderman Jacobson clarified that the formula used is based on a person's current salary to determine the worth of the injured body part.

Attorney Ulrich provided a mathematical example of how the IWCC calculates the worth of an injury.

Human Resources Director Randall noted that the formula uses the employee's salary at the time of the accident, not their current salary.

Attorney Ulrich provided historical information regarding state regulations pertaining to permanency and shared some of the values of specific body parts.

Assistant City Manager Hoppenstedt asked Attorney Ulrich to explain the negotiating process to Council.

Attorney Ulrich stated that it is impossible to settle a Workers' Compensation case in the State of Illinois without the IWCC's approval. He mentioned that the IWCC declares no Statute of Limitations on a specific case that is handled without their approval, meaning that an employee can decide to file a Workers' Compensation claim for an injury at any time in the future. He provided some information on the IWCC panel and how it's set up.

Alderman Verbic expressed confusion regarding the concept of permanency and how it relates to this specific case, considering that Mr. Ferrigan has been fully released to return to work.

Assistant City Manager Hoppenstedt stated that the City is obligated to honor permanency under Illinois Law.

Alderman Fagan echoed Assistant City Manager Hoppenstedt.

City Attorney Frieders concurred with staff and explained how permanency relates to liability for the City. He also mentioned that the Compensation Act is the exclusive revenue, protecting the City from future litigation regarding this case.

Attorney Ulrich noted that the severity of Mr. Ferrigan's injury could leave him prone to other diseases related to the injury.

Alderman Verbic stated his concern that if Mr. Ferrigan sustains another similar injury in the future, the City would again be responsible for compensating him.

Attorney Ulrich mentioned that in the event of a re-injury, the City can receive a credit towards that settlement from the settlement in the current case and noted that Mr. Ferrigan's attorney(s) would still have to prove causation.

Mayor Smith declared that the consensus would be to approve the recommended settlement amount.

City Manager Gaura clarified the exact amount of the settlement, and Attorney Ulrich confirmed. He also mentioned that trying a Workers' Compensation case is different than trying a civil case and provided examples of the differences.

Alderman Faivre asked Attorney Ulrich if he was confident that Mr. Ferrigan would approve the recommended settlement amount, to which he replied yes.

Human Resources Director Randall stated that in this particular case, Mr. Ferrigan has an attorney and knows exactly what he is entitled to.

City Manager Gaura noted there are two other Workers' Compensation cases that Attorney Ulrich is prepared to discuss that the Council does not need to take action on.

Attorney Ulrich provided an update on another Workers' Compensation claim from a DeKalb Police Officer. He stated that in their demand, they have incorporated an additional \$20,000 for future medical expenses along with \$74,456 for permanency. He expressed his opinion that the \$74,456 in permanency was approximately 30% too high. He also mentioned that during discussion with the DeKalb Police Officer and his attorney(s), they were unable to provide

reasoning for the amount they were asking for in permanency. He evaluated the case to be worth about \$45,000 but made it clear that there was no settlement agreement in place at this time.

Discussion ensued between Council and staff regarding the parameters of the City's insurance coverage.

Attorney Ulrich provided Council with an update of a case involving a DeKalb Firefighter suffering from Post-Traumatic Stress Disorder (PTSD) and a concussion caused by a work-related injury. He noted that the Firefighter applied for, and received, a Line of Duty Disability Pension.

Alderman Jacobson asked about the liability exposure for the City regarding this case. Attorney Ulrich replied that it is about \$105,000 and discussed the factors that determine the nature of the case.

Alderman Noreiko asked how old the Firefighter is. Attorney Ulrich responded that he believes the Firefighter to be in his forties. He also noted that his firm facilitated an evaluation of the Firefighter by a Neuropsychiatrist that they often work with in these types of cases. That Neuropsychiatrist disagrees that the Firefighter is disabled by his injury.

MOTION

Alderman Jacobson moved to adjourn the Executive Session Meeting; seconded by Alderman Faivre.

VOTE

Motion carried on a 7-0-1 voice vote. Aye: Jacobson, Marquardt, Fagan, Noreiko, Verbic, Faivre and Smith. Nay: None. Absent: Finucane.

Mayor Smith declared the Executive Session meeting adjourned at 9:43 p.m.

SUSANNA HERRMANN
City Clerk



Approved: December 11, 2017
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
REGULAR
EXECUTIVE SESSION OF THE CITY COUNCIL
JUNE 26, 2017**

The City Council of DeKalb, Illinois, held an Executive Session on June 26, 2017, in the DeKalb Municipal Building, 200 S. Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Regular meeting of the City Council of the same day.

The session started at 8:00 p.m. Council members in attendance were: Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Pat Fagan, Alderman Kate Noreiko, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith. Alderman David Jacobson was absent.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, and Deputy City Clerk Ruth Scott.

EXECUTIVE SESSION MINUTES 5 ILCS 120/2(c)(21)

City Manager Gaura provided information regarding Executive Session (ES) minutes to the newly elected officials, stating that the minutes are presented to Council at least twice a year (in June and December) for review, approval, release, or no release.

City Attorney Frieders added that ES minutes are covered under the Open Meetings Act, requiring Council to periodically approve and review them. He added that Deputy City Clerk Scott has implemented policies that are rigorously followed in order to present ES minutes to Council in a timely fashion, which is a significant upgrade from what some previous Councils have had to work with.

City Attorney Frieders continued, stating that ES minutes are presented to Council for consideration with a staff recommendation regarding approval, release, or no release. Releasing ES minutes means they're made available to the public for inspection or review, just like meeting minutes of any other Council meeting.

City Attorney Frieders further stated that prior to making a recommendation, the contents of the ES minutes are evaluated for topics that may have an impact on the City's future operations, or for those that are of a personal or proprietary nature. He then provided Council with the definitions of Pending or Imminent Litigation, Purchase or Lease of Real Property, Personnel, and Collective Bargaining citations.

Review of the ES minutes continued.

City Attorney Frieders stated that if it is the consensus of Council to move forward with the current recommendations, this item would return under the Consent Agenda at the

next Regular meeting. He added that ES minutes are available for Council's review at any time by contacting Deputy City Clerk Scott.

Alderman Faivre asked about the partial release of ES minutes when there's more than one topic of discussion. City Attorney Frieders responded that under the appropriate circumstances, it would be considered.

Alderman Noreiko asked if ES minutes are exempt from FOIA requests, with City Attorney Frieders responding they were.

City Manager Gaura asked Deputy City Clerk Scott if released ES minutes would be added to the City's website, with Deputy City Clerk Scott stating they would.

Discussion ensued.

It was the consensus of Council to move forward with approval of the ES minutes presented.


MOTION

Alderman Finucane moved to adjourn the Executive Session meeting; seconded by Alderman Marquardt.

VOTE

All in favor by a 7-0-1 voice vote. Aye: Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: None. Absent: Jacobson.

Mayor Smith declared the motion passed and adjourned the meeting at 8:07 p.m.


RUTH A. SCOTT, Deputy City Clerk

Approved: December 11, 2017
Released: July 9, 2018



**MINUTES
CITY OF DEKALB
REGULAR
EXECUTIVE SESSION OF THE CITY COUNCIL
JULY 24, 2017**

The City Council of DeKalb, Illinois, held an Executive Session on July 24, 2017, in the DeKalb Municipal Building, 200 S. Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Regular meeting of the City Council of the same day.

The session started at 8:23 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Pat Fagan, Alderman Kate Noreiko, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Police Chief Gene Lowery, and City Clerk Susanna Herrmann.

PENDING OR IMMINENT LITIGATION – 5 ILCS 120/2(c)(11)

City Attorney Frieders Dean updated Council on the Brockman vs. City of DeKalb case. He briefly summarized the previous debriefing given to Council at the July 11, 2017, Executive Session meeting, stating that the plaintiff (Brockman) had made several allegations toward the Ellwood Steak and Fish House Restaurant and the City, including an alleged assault that occurred on the restaurant property and a conspiracy between the DeKalb Police Department, Police Chief Lowery, and the City that prevented the responding officers to properly conduct an investigation. He noted that the case was filed in a Federal Court and is defended under the City's Law Enforcement Liability Policy that has a \$100,000 self-insured retention.

City Attorney Frieders continued, stating that the original complaint sought a multi-million-dollar settlement. However, at the urging of a District Court Judge, staff participated in a mediation session with the intention of resolving the claim. He reminded Council of their consensus regarding the continuation of the litigation process based on the last Executive Session meeting and discussed the direction of the mediation session where staff offered to settle the claim for \$2,000. He reiterated there is no evidence to support Brockman's allegations, and also declared that if the incident were to occur on this very day, he would expect all of the officers present to have handled the incident exactly as they had.

City Attorney Frieders went on to say that incidents of this nature are at the lowest level of criminal activities that the Police Department handles and Police Chief Lowery was not directly involved in the investigation. During the mediation session, staff strongly presented their case, which caused Brockman to drop her million-dollar settlement down to a \$350,000 settlement. In response, staff increased the \$2,000 settlement offer to

\$4,000, subject to Council approval. He noted that the Ellwood Steak and Fish House Restaurant owner simultaneously offered a \$10,000 settlement.

City Attorney Frieders discussed the amendments made to the Municipal Code in 2012 regarding liquor licensure, specifically the change that mandates establishments seeking a liquor license to name the City of DeKalb as an additional primary insured on their Commercial General Liability Policy. He explained that these types of claims are not typically covered this insurance policy because it alleges that the City intentionally deprived Brockman of her civil rights. He also explained that the City took a position relative to the restaurant owner's during the mediation session, and if the mediation session was unsuccessful, the City would file a Declaratory Judgment Action. As a result, the restaurant owner increased the settlement offer from \$10,000 to \$25,000. There was an additional exchange of settlement offers where the plaintiff decreased from \$350,000 to \$200,000 and the City increased their settlement offer from \$4,000 to \$7,000 and indicated that was as high as they were willing to settle. The mediator asked for one more increased offer and staff responded by increasing their offer from \$7,000 to \$7,500, indicating that would be the maximum amount offered. If Council agrees to approve the offer of \$7,500 the case will be settled.

City Attorney Frieders recommended that Council settle the claim for \$7,500. He noted that with the extent of Brockman's emotional instability, if Council decided to take it to trial, he is fairly certain that the plaintiff would prove to lack credibility and the case would be dismissed. However, at that point, well over \$7,500 would be spent on depositions, motions, and the possible preparation for trial. He noted that under normal circumstances, the \$7,500 settlement offer is within staff spending authority, but for several reasons, staff has decided to approach the claim differently. He explained that since the consensus that was reached in a previous Executive Session meeting has changed, approval for moving forward would need to be done in a public session. He also mentioned that Settlement Agreements are subject to the Freedom of Information Act (FOIA) and all of the information contained in said agreement would be made public. He concluded by expressing his desire to publicly acknowledge the Police Officers who were directly involved in the investigation and show support for their actions. He reiterated that the item should be brought back to an open session meeting, and if Council wished to proceed in that direction, then the item would be put on the next Regular City Council meeting agenda.

Alderman Finucane stated that a practical approach would be the best way to handle the situation and concurred with City Attorney Frieders that a public acknowledgement of the officers who handled the case would be the right thing to do.

Alderman Fagan asked if they would be able to settle with the restaurant if the City decided to pursue it.

City Attorney Frieders explained that the two settlement agreements were considered separate and discussed the plaintiff's options for how to proceed with the settlement process.

Alderman Fagan asked City Attorney Frieders if the settlement agreement reached with the restaurant would be made public, to which he replied no. City Attorney Frieders stated that their settlement agreement would remain confidential.

Alderman Fagan asked City Attorney Frieders for confirmation that Police Chief Lowery and the officers involved would be formally dismissed from the case, to which he replied in the affirmative.

Alderman Noreiko verbalized her desire to settle.

Mayor Smith echoed Alderman Noreiko and asked City Attorney Frieders how explicit discussion would be at the next Regular City Council meeting regarding this item. He wondered if the parties involved would be named to the public during that process.

City Attorney Frieders stated that the detailed information was considered public knowledge based on media exposure. He also recommended that Council carefully consider all aspects of the situation before voting.

Mayor Smith asked if the City could approve the \$7,500 settlement agreement and move forward without public discussion.

City Attorney Frieders recommended a full staff report and bringing the item forward under Items for Separate Action during the next Regular City Council meeting.

Alderman Verbic asked if the \$7,500 would be enough, and City Attorney Frieders replied yes.

City Attorney Frieders went on to discuss the nature of the mediation hearing that he, Police Chief Lowery, and Assistant City Manager Hoppenstedt attended. He assured Council that staff was as acquisitive with City resources as possible.

Mayor Smith asked Police Chief Lowery if it would boost staff morale to discuss the matter in an open session meeting.

Police Chief Lowery stated that the Officers involved are in agreement with the proposed settlement and they would certainly feel vindicated to have their names cleared publicly. He noted that during the court proceedings, the officers remained professional and never reacted to any emotional outbursts.

City Attorney Frieders provided a detailed narrative of the physical and emotional setting during litigation.

Assistant City Manager Hoppenstedt added that Police Chief Lowery and the officers involved had to sit through an opening statement that was several pages long during which time they were forced to listen to harsh character statements and false allegations.

towards them, which was very difficult. She commended the officers for maintaining professionalism and conducting themselves in a non-reactive manner

City Manager Gaura recommended listing this as an Item for Separate Action and mentioned two options, the first to allow City Attorney Frieders to speak on behalf of the City using a prepared statement, and the second to choose one elected official to act as the voice for Council, also using a prepared statement.

Alderman Finucane agreed with City Manager Gaura.

MOTION

Alderman Jacobson moved to adjourn the Executive Session Meeting; seconded by Alderman Faivre.

VOTE

Motion carried on an 8-0 voice vote. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: None. Mayor Smith declared the motion passed and adjourned the Executive Session at 8:48 p.m.

SUSANNA HERRMANN
City Clerk



Approved: December 11, 2017
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
EXECUTIVE SESSION OF THE CITY COUNCIL
AUGUST 14, 2017**

The City Council of DeKalb, Illinois, held an Executive Session on August 14, 2017, in the DeKalb Municipal Building, 200 S. Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Committee of the Whole meeting of the City Council of the same day.

The session started at 5:32 p.m. Council members in attendance were: Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Kate Noreiko, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith. Alderman Jacobson and Alderman Fagan were absent.

Also present were: City Manager Anne Marie Gaura, City Attorney Dean Frieders, Fire Chief Eric Hicks, and Deputy City Clerk Ruth Scott.

PENDING OR IMMINENT LITIGATION – 5 ILCS 120/2(C)(11)

City Attorney Frieders provided a brief review of the Brockman vs. City of DeKalb, stating that the claimant has agreed drop all claims against the City for a settlement of \$7,500. Consensus by Council would resolve this issue, as well as all claims and costs to defend it. He added that there is a confidentiality clause involved.

City Attorney Frieders continued stating that no basis was found to throw any blame to any of the City's Police Officers involved during the incident, nor the Police Chief.

Discussion ensued.

Alderman Noreiko wondered if the agreement would need to be redacted if there was a FOIA request, since there's a confidentiality clause involved. City Attorney Frieders stated that there was nothing in the settlement agreement that would require redaction.

PURCHASE OR LEASE OF REAL PROPERTY – 5 ILCS 120/2(C)(5)

City Manager Gaura stated that the City has an opportunity to purchase property adjacent to Fire Station 1. She added that this discussion would be used to obtain a sense of support from Council. Once more information was obtained, it would be brought back for further direction.

Fire Chief Hicks stated that the property located at 715 Oak Street, known as the old Sisler property, is zoned heavy industrial. He provided a PowerPoint presentation showing pictures of the exterior and interior of the building, stating that the building's footprint is a little over 6,000 square feet. He also stated that staff has done a walkthrough and while the building is in need of some repair, it is sound.

Fire Chief Hicks then provided the following options for the building if the City were to purchase it:

Option 1: Tear down the building and build a parking lot. While this is not the first choice, it's something that's needed in that area.

Option 2: Add three garage doors and make it apparatus storage.

Option 3: Make the building into an administrative office for the Fire Department and add a Community Training Room, which is greatly needed. Doing this would accomplish a goal of the Strategic Plan for the EOC. This is the preferred option, which would cost about \$450,000. Other advantages of this option would be making the administrative office (currently located in the basement of Fire Station 1) ADA compliant.

Fire Chief Hicks continued, stating that the property is listed at \$189,900, and appraised at \$185,000. However, staff has met with the Sisler's who have agreed to sell it to the City for \$139,900, with no realtor fees.

City Manager Gaura stated that during conversation with Fire Chief Hicks, he has indicated that Fire Station 1 is not meeting the needs of the community.

Alderman Faivre asked what would be parked there if the property was made into a parking lot, with Fire Chief Hicks responding extra equipment.

Discussion ensued regarding funding for the purchase.

Alderman Noreiko asked where training is done now, with Fire Chief Hicks responding in the basement of Fire Station 1.

Council consensus was in support of the purchase.

MOTION

Alderman Finucane moved to adjourn the Executive Session meeting; seconded by Alderman Verbic.

VOTE

All in favor by a 6-0-2 voice vote. Aye: Finucane, Marquardt, Noreiko, Verbic, Faivre, Smith. Nay: None. Absent: Jacobson, Fagan.

Mayor Smith declared the motion passed and adjourned the meeting at 5:52 p.m.

RUTH A. SCOTT
Deputy City Clerk



Approved: December 11, 2017
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
EXECUTIVE SESSION OF THE CITY COUNCIL
AUGUST 28, 2017**

The City Council of DeKalb, Illinois, held an Executive Session on March 27, 2017, in the DeKalb Municipal Building, 200 S. Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Committee of the Whole Meeting of the City Council of the same day.

The session started at 5:22 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Pat Fagan, Alderman Kate Noreiko, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Also present were: City Manager Anne Marie Gaura, City Attorney Dean Frieders, Human Resources Director Cris Randall, Attorney Bob Ulrich, and City Clerk Susanna Herrmann.

PENDING OR IMMINENT LITIGATION – 5 ILCS 120/2(c)(11)

City Manager Gaura introduced Attorney Ulrich, the City's Workers' Compensation attorney. She stated that this meeting is a follow-up of previous discussions regarding one of the City's retired Police Officers, Biarnesen. She noted that Attorney Ulrich has spoken before the Council regarding a settlement offer and intends to provide a status report to seek consensus.

Attorney Ulrich provided a background of this item and stated that this case involves an undisputed injury to Mr. Biarnesen who injured his shoulder during the arrest of a suspect. He added that the injury was reported immediately, and Mr. Biarnesen began physical therapy treatment, which was ineffective. Doctors discovered that he had sustained a torn labrum and a torn rotator cuff, for which they performed surgery on December 4, 2014. Mr. Biarnesen was released to return to work in June of 2015 and worked until his retirement in December of the same year.

Attorney Ulrich shared that when he first began working on the case, he estimated it to be worth \$46,512.15, based upon prior Illinois Workers' Compensation Commission (IWCC) decisions involving rotator cuff injuries. At that time, legal representation for Mr. Biarnesen had asked for \$94,456, with about \$20,000 being designated for future medical expenses. He expressed his opinion that for this particular case, future medical expense coverage is unnecessary and stated that the settlement amount was brought down to about \$74,000. He continued, stating that on June 21, 2017, the legal representation for Mr. Biarnesen would take no less than \$65,117. Due to the lack of response, the amount dropped to no less than \$55,814 on July 5, 2017. Due to the lack of response, the amount dropped to the original settlement offer proposed by the City, \$46,512.15, approximately a week prior to the current Executive Session meeting. He recommended settling at this amount.

Brief discussion ensued.

Human Resources Director Randall mentioned that Attorney Ulrich conducts extensive research of similar cases in order to ensure that the City does not pay more than is warranted.

Alderman Fagan commented that he possesses knowledge of Worker's Compensation claims involving rotator cuff injuries and the settlement offer presented by Attorney Ulrich is appropriate.

Alderman Faivre asked Attorney Ulrich if Mr. Biarnesen was cleared to return to work at 100% in June of 2015, to which he replied in the affirmative.

Alderman Faivre continued, making note of Mr. Biarnesen retiring in December of 2015, and wondered aloud why there is a claim if he is no longer injured.

Attorney Ulrich explained that the IWCC has been able to establish values for injuries and mentioned that a similar discussion took place the last time this topic was discussed between him and Council. He stated the settlement offer is at the low end of the appropriate range for this type of injury.

City Manager Gaura reiterated that the purpose of the Executive Session was to gather consensus from Council with authorization to settle the case at \$46,512.15 and bring it back to an open session meeting for approval.

Brief discussion ensued.

Consensus to settle was reached.

MOTION

Alderman Jacobson moved to adjourn the Executive Session; seconded by Alderman Faivre.

VOTE

Motion carried on an 8-0 voice vote. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: None. Mayor Smith declared the motion passed and adjourned Executive Session at 5:30 p.m.

SUSANNA HERRMANN
City Clerk



Approved: December 11, 2017
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
REGULAR
EXECUTIVE SESSION OF THE CITY COUNCIL
SEPTEMBER 11, 2017**

The City Council of DeKalb, Illinois, held an Executive Session on September 11, 2017, in the DeKalb Municipal Building, 200 S. Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Regular meeting of the City Council of the same day.

The session started at 9:22 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Pat Fagan, Alderman Kate Noreiko, Alderman Mike Verbic, Alderman Tony Faivre and Mayor Jerry Smith.

Also present were: City Manager Anne Marie Gaura, City Attorney Dean Frieders, Community Development Director Jo Ellen Charlton, Economic Development Planner Jason Michnick, and Deputy City Clerk Ruth Scott.

PURCHASE OR LEASE OF REAL PROPERTY – 5 ILCS 120/2(C)(5)

City Manager Gaura stated that the Mooney property is currently in foreclosure, adding that this Executive Session discussion would be used to find out if there's potential interest in acquiring it.

There was a brief discussion regarding the difference between a tax sale and a foreclosure.

Economic Development Planner Michnick provided Council with information regarding the property in question. He added that the location is a prime spot in the downtown area with a lot of potential for a variety of development opportunities. The judgement on the property (as listed in the Daily Chronicle) is \$903,000.

Discussion ensued regarding the property's development potential.

Alderman Noreiko asked how long the property has been vacant, with Alderman Fagan responding approximately six years.

Discussion ensued regarding the property's vacancy and remediation.

Alderman Verbic stated that leveraging a private developer partnership on the site would be ideal, but he was not in support of the City purchasing the property.

There was a brief discussion about obtaining more information regarding the property.

Alderman Finucane asked if there was a chance of obtaining the property at a lower price once the bank took it over. City Attorney Frieders stated that was an option, but he wasn't absolutely sure.

Discussion ensued.

Alderman Noreiko asked if there had been opportunity to walk through building. Economic Development Planner Michnick stated that the last time he was in the building he observed what looked like the north wall leaning, which is a concern. There's also a lot of motor oil in the old

service area. The upper level is in good condition, although there are some broken windows. He added that the building has potential, but it would depend on the concept. It would need all new electrical and plumbing.

Economic Development Planner Michnick reminded Council that having control of the property allows the City to oversee what kind of development would be there.

Discussion ensued.

It was the consensus of the Council for City staff to obtain more information about the property.

MOTION

Alderman Noreiko moved to adjourn the Executive Session meeting; seconded by Alderman Faivre.

VOTE

All in favor by an 8-0 voice vote. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: None.

Mayor Smith declared the motion passed and adjourned the meeting at 9:57 p.m.

RUTH A. SCOTT
Deputy City Clerk



Approved: December 11, 2017
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
SPECIAL COMMITTEE OF THE WHOLE
SEPTEMBER 19, 2017**

The City Council of DeKalb, Illinois, held an Executive Session on September 19, 2017, in the DeKalb Municipal Building, 200 S. Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Special Committee of the Whole of the City Council of the same day.

The session started at 9:11 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Pat Fagan, Alderman Kate Noreiko, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Also present were City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Community Development Director Jo Ellen Charlton, Economic Development Planner Jason Michnick, and City Clerk Susanna Herrmann.

PURCHASE OR LEASE OF REAL PROPERTY – 5 ILCS 120/2(c)(5)

City Manager Gaura stated that the purpose of the meeting is to provide a follow-up report for the potential acquisition of the Mooney Property (the Property).

Economic Development Planner Michnick notified Council that he reached out to the attorney that was representing the case and requested any documentation relating to environmental reports on the Property. He mentioned that the attorney reached out to Heartland Bank (the Bank) and representatives indicated that they were willing to participate in discussion. He stated that he then met with representatives of the Bank, who were able to provide him with an Appraisal Report from October of 2016, and an updated Environmental Report dated September 8, 2017. He explained that this is a Phase 1 Environmental Report and the findings indicate that there are environmental conditions existing on the property including antifreeze, used oil, hydraulic lifts in the ground, asbestos, and mold. He continued by saying that the Bank is very interested in getting the title off their hands and does not want the Property to go to auction. He noted that during discussion with representatives from the Bank, he learned that there is an option to extend the auction for an additional 60 days if the City was interested in conducting a Phase 2 Environmental Report. He referred to City Attorney Frieders for detailed information.

City Attorney Frieders stated that the Bank has outlined that their willingness to extend the sale for 60 days and work with the City for either a direct purchase or, on further due diligence, by allowing access to the building to conduct a Phase 2 Environmental Study. He explained the components of the Phase 1 Environmental Study and noted that given the scope of contaminants being reported, there is significant potential for several different environmental contaminants on the site. He elaborated on Council's options moving forward, the first being that the discussion is brought forth to Council, in the form of an Action Item at a future City Council meeting, to authorize staff to make a bid on the Property, the second being to negotiate the price of a direct purchase from the Bank and request that the deadline be extended for 60 days, and the last being to allow the Property to go to auction. He noted that the best way to acquire the Property would be through a negotiated purchase from the Bank but reiterated that the findings of a Phase 2 Environmental Study will most likely indicate a significant amount of environmental contaminations and potentially a high cost associated with remediating those issues. He mentioned that there are state and federally funded grant programs available for municipally owned sites that require this type of environmental remediation, but these programs have not received funding in several years.

City Attorney Frieders continued, stating that if Council wished to continue with the acquisition of the Property but does not want to undertake a direct negotiation, the best strategy would be to let

it go to auction but not offer a bid. He explained that if the Property goes to auction but does not sell, the Bank will be in a more aggressive position to relinquish ownership. He added that if someone does bid on the Property, that person will most likely need to come to the City for Zoning Relief due to the condition of the building and the environmental remediation required, which would give the City the opportunity to partially dictate the future use and development of the Property. He outlined the scope of the direction needed from Council.

Discussion ensued among Council and staff.

Alderman Fagan left the Executive Session at 9:26 p.m.

Alderman Verbic mentioned the Protano Property on S. Fourth Street and wondered what liability owners have in reference to environmental remediation of their property.

Discussion continued.

Alderman Fagan returned to the Executive Session at 9:29 p.m.

Alderman Jacobson proposed that the City conduct a limited Phase 2 Environmental Study and publicly release the findings in an Open Session meeting. He hopes that this will deter potential buyers, inevitably lowering the price of the Property. He added that the City would need to be sure that it wasn't interfering with a fair market auction but needs to limit potential loss as much possible.

Discussion ensued regarding consensus and moving forward.

Consensus was reached.

MOTION

Alderman Jacobson moved to adjourn the Executive Session; seconded by Alderman Verbic.

VOTE

Motion carried on an 8-0 voice vote. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, and Smith. Nay: none. Mayor Smith declared the motion passed and the Executive Session adjourned at 9:43 p.m.

SUSANNA HERRMANN
City Clerk



Approved: December 11, 2017
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
REGULAR MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
SEPTEMBER 25, 2017**

The City Council of DeKalb, Illinois, held an Executive Session on September 25, 2017, in the DeKalb Municipal Building, 200 S. Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Regular Meeting of the City Council of the same day.

The session started at 7:57 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Pat Fagan, Alderman Kate Noreiko, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Community Development Director Jo Ellen Charlton, and City Clerk Susanna Herrmann.

PURCHASE OR LEASE OF REAL PROPERTY – 5 ILCS 120/2(c)(5)

City Manager Gaura stated that this portion of the Executive Session is a follow-up to the September 25, 2017, Executive Session regarding the acquisition of the Mooney Property.

City Attorney Frieders stated that through further discussion with Heartland Bank (the Bank) personnel who managed the loan, decision makers agreed to a 60 day extension of the sale based on any City interest. He added that staff has requested that the Bank consider funding a Phase 2 Environmental Study and providing those results to the City, for which they are currently awaiting a response. He stated that staff will continue to update Council regarding the matter.

Consensus was reached.

PENDING OR IMMINENT LITIGATION – 5 ILCS 120/2(c)(11)

City Manager Anna Marie Gaura referred to City Attorney Frieders for a summary of this item.

City Attorney Frieders indicated that there is reasonable probability of pending or imminent litigation against the City. All present Council members acknowledged this. He continued with discussion regarding the property at 122 S. First Street, stating there have been numerous public safety concerns over time during the property's multiple uses, many of which were not received well by the community. He described the circumstances that led to the potential for litigation, including an incident that took place earlier this year that caused a major disturbance to public safety. He explained that the individual filing the lawsuit has agreed to abandon the claim if the City agrees to settle for \$52,000. He stated that the City has no liability in this matter and does not recommend settling for any amount.

Discussion ensued between Council and City Attorney Frieders regarding the options available for moving forward with the matter.

Consensus was reached.

MOTION

Alderman Noreiko moved to adjourn the Executive Session; seconded by Alderman Jacobson.

VOTE

Motion carried on an 8-0 voice vote. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: None. Mayor Smith declared the motion passed and the Executive Session adjourned at 8:19 p.m.

SUSANNA HERRMANN
City Clerk



Approved: December 11, 2017
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
REGULAR MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
OCTOBER 9, 2017**

The City Council of DeKalb, Illinois, held an Executive Session on October 9, 2017, in the DeKalb Municipal Building, 200 S. Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Regular Meeting of the City Council of the same day.

The session started at 8:38 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Kate Noreiko, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith. Alderman Pat Fagan recused himself of the first portion of the Executive Session due to a potential conflict of interest. Alderman Noreiko was present for roll call but recused herself at 8:41 p.m. due to a potential conflict of interest.

Also present were City Manager Anne Marie Gaura, City Attorney Dean Frieders, Public Works Director Tim Holdeman, and City Clerk Susanna Herrmann.

PURCHASE OR LEASE OF REAL PROPERTY – 5 ILCS 120/2(C)(5)

City Manager Gaura summarized this portion of the meeting, stating that Mayor Smith had been approached by the owner of the former bank building at 155 N. Third Street in regard to transforming the property into a new City Hall. She provided Council with background information regarding the property, including the details of a preliminary walkthrough conducted by her and Public Works Director Holdeman in November of 2016. She notified Council that staff is seeking direction regarding the level of interest in acquiring the property and, if there is significant interest, the type of information that should be the primary focus for reporting back to Council.

Public Works Director Holdeman provided Council with detailed information on the property including the layout, size, configuration, and different features of the building. He also discussed the past and current Equalized Assessed Value (EAV) of the property and estimated the total cost of the project to be between \$100 to \$150 per square foot, which would equal out to between \$5 and \$7 million dollars. He compared that to the cost of constructing a new building, which he estimated would be between \$10 to \$12 million dollars. He explained that the acquisition of the property would be a viable alternative to new construction in order to cut cost and ensure that the new City Hall is established in the downtown area.

City Manager Gaura described the layout of the building based on her observation and suggested numerous ideas for enhancement and effective utilization of the property in reference to its function as a new City Hall. She noted that the elevator shafts would need to be expanded and the open toe stairwell would need to be remediated in order to be compliant with the Americans with Disabilities Act (ADA).

Discussion ensued between Council and staff regarding environmental issues and parking concerns.

Alderman Faivre wondered aloud if the building would provide enough space for the City to conduct business well into the future.

City Manager Gaura responded that different departments could be moved to different locations if staff outgrew the building. She stated that the former bank building is currently the most cost-effective option for a new City Hall. Discussion ensued.

Alderman Verbic stated he is not interested in the building. He considered it to be a waste of financial resources.

Alderman Jacobson suggested utilizing the Public Works Department for further inspection of the building in order to minimize cost. Discussion ensued.

City Manager Gaura acknowledged Council's concerns and agreed to report back with the information needed to move forward. Consensus was reached.

PERSONNEL – 5 ILCS 120/2(C)(1)

Alderman Fagan and Alderman Noreiko returned to the meeting at 9:06 p.m. Public Works Director Holdeman left the meeting at the same time.

Mayor Smith stated that the meeting was called because of an email communication he received from Alderman Verbic requesting a discussion of personnel.

Alderman Verbic expressed his desire for all members of the Council to be in the same step regarding the employment of City Manager Gaura.

Mayor Smith stated that he has asked City Manager Gaura to make a few comments regarding her employment with the City before continuing with the discussion of her contract and, subsequently, her evaluation. He mentioned that there were some concerns regarding the presence of City Attorney Frieders, but it was determined that his presence is essential to the discussion.

City Attorney Frieders declared that he does not participate in evaluation discussion.

City Manager Gaura provided Council with a highly detailed overview of her employment with the City. She noted her many accomplishments, including the establishment of functional internal operations, an increase in the General Fund balance, numerous economic developments, and awards to the City that she assisted in obtaining. She stated that she loves the City and is giving 110% of her effort to it. She also stated that she would love to continue her employment with the City of DeKalb.

City Manager Gaura left the meeting at 9:30 p.m. Discussion ensued amongst Council regarding the performance of City Manager Gaura and the evaluation process.

Alderman Finucane left the meeting at 10:05 p.m.

Discussion continued regarding historical evaluation practices conducted by the City.

Alderman Finucane returned to the meeting at 10:06 p.m.

Alderman Faivre shared his experience with employment evaluations.

Mayor Smith expressed his interest in including Human Resources Director Randall in the evaluation process.

City Attorney Frieders provided his experience with past evaluation processes. Discussion ensued. Consensus was reached.

MOTION

Alderman Jacobson moved to adjourn the Executive Session; seconded by Alderman Faivre.

VOTE

Motion carried on an 8-0 voice vote. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: None. Mayor Smith declared the motion passed and the Executive Session adjourned at 10:15 p.m.

SUSANNA HERRMANN
City Clerk



**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE
EXECUTIVE SESSION OF THE CITY COUNCIL
OCTOBER 23, 2017**

The City Council of DeKalb, Illinois, held an Executive Session on October 23, 2017, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Committee of the Whole meeting of the City Council of the same day.

The session started at 5:31 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Pat Fagan, Alderman Kate Noreiko, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Also present were: City Attorney Dean Frieders, Human Resources Director Cris Randall, and Deputy City Clerk Ruth Scott

PURCHASE OR LEASE OF REAL PROPERTY – 5 ILCS 120/2(C)(5)

Not acted on.

PERSONNEL – 5 ILCS 120/2(C)(1)

City Attorney Frieders stated that Human Resources Director Randall has reviewed the City Manager evaluation form, a direction given by Council.

Human Resources Director Randall provided a history and overview of the evaluation form, stating that it ties into the core values of the City.

City Attorney Frieders and Human Resources Director Randall expressed the importance of having the City Manager evaluated in the same manner as other City employees.

Discussion ensued regarding the evaluation form and how the information received will be compiled and evaluated.

Mayor Smith asked Council members if the evaluation form was acceptable to them.

Alderman Finucane stated that he likes this form much better than the one used last year.

City Attorney Frieders provided a timeline for Council to submit their evaluations to Human Resources Director Randall.

Discussion ensued.

Mayor Smith indicated that the Purchase or Lease of Real Property discussion would be moved to the Regular meeting Executive Session.

Alderman Jacobson stated that having what Council asked to be done (review of the City Manager evaluation form) so expeditiously is impressive, adding this is why the City needed a Human Resources Director.

MOTION

Alderman Jacobson moved to adjourn the Executive Session meeting; seconded by Alderman Verbic.

VOTE

All in favor by 8-0 voice vote. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: None.

Mayor Smith declared the motion passed and adjourned the meeting at 5:59 p.m.

RUTH A. SCOTT
Deputy City Clerk



Approved: December 11, 2017
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
REGULAR
EXECUTIVE SESSION OF THE CITY COUNCIL
OCTOBER 23, 2017**

The City Council of DeKalb, Illinois, held an Executive Session on October 23, 2017, in the DeKalb Municipal Building, 200 S. Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Regular meeting of the City Council of the same day.

The session started at 8:14 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Pat Fagan, Alderman Kate Noreiko, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Also present were: Acting City Manager/Community Development Director Jo Ellen Charlton, City Attorney Dean Frieders, and Deputy City Clerk Ruth Scott.

PERSONNEL – 5 ILCS 120/2(C)(1)

Not acted on.

PURCHASE OR LEASE OF REAL PROPERTY – 5 ILCS 120/2(C)(5)

City Attorney Frieders provided an overview, stating the City has been given the opportunity to purchase the property located at 912 Edgebrook Drive for \$175,000. The property has been vacant for three years and uninhabitable for a period of time. The City has met with the owner many times, as well as filing petitions for mediation and remediation. The owner has been given ample opportunity by the court to repair the property.

City Attorney Frieders continued, stating that the City currently has \$420,000 in liens on the property, and Tip Top Roofing has a \$69,000 lien for roofing repairs.

City Attorney Frieders continued with his overview, stating that he is currently working with Tip Top roofing to see if they would take a reduction on the lien. The challenge is that they view it as debt that's owed to them.

City Attorney Frieders proceeded, asking for Council's input on purchasing the property for \$175,000, \$246,000 (with the addition of the Tip Top Roofing lien), or for a price somewhere in the middle. He added that there are significant concerns that the property could be made into a high-density residential dwelling if someone else purchases it.

There was a brief discussion between Alderman Finucane and City Attorney Frieders regarding the number of apartments that were in the building at one time and what is being proposed by the other potential buyer.

Discussion ensued regarding the challenges and advantages of the City owning the property.

Alderman Verbic stated that he thinks this is a great opportunity as that area has need for off-street parking. A paid City of DeKalb parking lot there with security cameras would pull parking off the streets and recoup dollars.

Alderman Noreiko asked why the City would want to be a landlord and/or developer. While she's not thrilled about a high-density dwelling, she's having a hard time with the concept of the City becoming a landlord.

Acting City Manager/Community Development Director Charlton suggested polling the Annie Glidden North (AGN) Task Force to see what they think the property could be used for.

Alderman Jacobson stated that the cost in terms of what the City would have to put into a demolition and developing a lot in that area is not worth it; the City would never recoup the investment. Also, the property would be removed from the tax role.

Alderman Jacobson continued, stating that in terms of acquisition and owning a building at this price certainly benefits being in control of the site. In terms of how a property this size could benefit the area, there's already ideas coming out of the AGN Task Force for a medical care center, childcare center, and other needs, such as a grocery store.

City Attorney Frieders referred to Alderman Noreiko's comment, stating that if Police Chief Lowery were present, he would offer that his concern is that prospects of reintroducing this property as a high-density dwelling, if maintained in the same fashion as before, would have a negative adverse effect on that neighborhood.

Discussion continued.

Alderman Verbic asked if the property taxes were current. City Attorney Frieders stated they were.

Alderman Fagan expressed his support of obtaining the property.

Alderman Finucane expressed his thoughts on building a parking lot but keeping the City's options open in regard to having a future development come in with a good plan. He added that he can see the value of moving forward with the purchase and demolishing the building.

Discussion ensued regarding the liens on the property, as well as the property's true value.

Alderman Faivre and Alderman Marquardt expressed their support for moving forward with the purchase.

City Attorney Frieders stated that he would recommend a Special Meeting of City Council if he is able to secure the purchase of the property.

It was the consensus of Council to move forward.

Alderman Finucane asked for an update on the purchase of the Mooney property. City Attorney Frieders replied that the sale of the property has been indefinitely delayed.

MOTION

Alderman Jacobson moved to adjourn the Executive Session meeting; seconded by Alderman Fagan.

VOTE

All in favor by an 8-0 voice vote. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: None.

Mayor Smith declared the motion passed and adjourned the meeting at 8:45 p.m.

RUTH A. SCOTT
Deputy City Clerk



**MINUTES
CITY OF DEKALB
REGULAR MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
NOVEMBER 13, 2017**

The City Council of DeKalb, Illinois, held an Executive Session on November 13, 2017, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The Executive Session was called by a majority vote of the City Council at the Regular meeting of the same day.

The Executive Session started at 9:39 p.m.

Council members in attendance were: Alderman Dave Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Pat Fagan, Alderman Kate Noreiko, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Police Chief Gene Lowery, Economic Development Department Director Jo Ellen Charlton, Human Resources Director Cris Randall, and City Clerk Susanna Herrmann.

PENDING OR IMMINENT LITIGATION 5 ILCS 120/2(c)(11) (Released: March 22, 2021)

City Attorney Frieders provided an update on the Campus Cinemas Theatre and notified Council that litigation is threatened or imminent. Council made a finding that litigation was imminent.

Discussion ensued regarding the best options for remediating the environmental and structural issues present in the building.

SECURITY PROCEDURES 5 ILCS 120/2(c)(8)

City Attorney Frieders declared that this section of the Executive Session was for discussion regarding the Hunter Properties. He noted that Hunter Properties is one of the largest rental property owners in the City and added that there have been three separate shooting incidents at properties under their ownership. He commented that these incidents could have been captured if Hunter Properties had adequate surveillance. He added that multiple Building Code violations were discovered the Monday after Homecoming weekend in an occupied building owned by Hunter Properties and asked that those findings be reflected in the minutes.

City Attorney Frieders stated that to combat these violations, and other violations discovered at multiple buildings owned by Hunter Properties, 360 Code Compliance complaints have been prepared and the City intends on moving forward with them.

Mayor Smith asked Police Chief Lowery if he concurred with the findings presented by City Attorney Frieders, to which he replied in the affirmative.

Mayor Smith then asked why anyone would be inclined to turn off security cameras.

There was a brief discussion regarding Hunter Properties and the prolific gang activity within the City. Following the discussion, a consensus was reached to implement common area surveillance tools to address the recurring violent crimes at multiple Hunter Properties.

PERSONNEL 5 ILCS 120/2(c)(1) (Released: March 22, 2021)

City Manager Gaura left the meeting at 9:41 p.m.

Mayor Smith announced that this section is designated for discussion regarding the performance of City Manager Gaura and distributed a compilation of feedback to each Alderman.

Council discussed their personal perspectives regarding the performance of City Manager Gaura. Following their discussion, Human Resources Director Randall shared her ideology behind the peer review structure and gave Council some suggestions for working with City Manager Gaura regarding the goals they would like for her to achieve.

Alderman Fagan left the meeting at 10:50 p.m., returning at 10:52 p.m.

City Attorney Frieders asked for permission from the Council to discuss the components of a renewed contract with City Manager Gaura in order to solicit her feedback.

A consensus was reached to move forward with a renewed contract for City Manager Gaura, subject to final action at an open meeting.

ADJOURNMENT

MOTION

Alderman Jacobson moved to adjourn the executive session; seconded by Alderman Fagan.

VOTE

Motion carried on an 8-0 voice vote. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: none. Mayor Smith declared the motion passed and the executive session adjourned at 11:13 p.m.



**MINUTES
CITY OF DEKALB
SPECIAL MEETING OF CITY COUNCIL
EXECUTIVE SESSION OF THE CITY COUNCIL
NOVEMBER 21, 2017**

The City Council of DeKalb, Illinois, held an Executive Session on November 21, 2017, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Special Meeting of the City Council of the same day.

The session started at 7:47 p.m. Council members in attendance were: Alderman Dave Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Pat Fagan, Alderman Kate Noreiko, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Also present were: City Attorney Dean Frieders, Human Resources Director Cris Randall, and City Clerk Susanna Herrmann. City Manager Anne Marie Gaura joined the meeting at 8:00 p.m.

PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2 (c)(1)

Mayor Smith discussed the compiled feedback of City Manager Gaura and stated that he would like to read the information aloud and then facilitate discussion for moving forward. He then read aloud his own feedback and noted that the document is purposefully succinct and to the point. He stated that City Manager Gaura displays consistent strength in some areas, however, she had expressed to him that she felt the feedback was harsh.

Alderman Faivre asked if it would be acceptable for Council members to take notes on the documentation provided to them at the beginning of the meeting. Mayor Smith responded in the affirmative.

Human Resources Director Randall reminded Council to reconvene after the decision and establish goals for 2018. She then described the evaluation process for employees in the organization and encouraged Council to participate in frank conversation.

Alderman Jacobson left the meeting at 7:58 p.m., returning at 8:00 p.m.

Human Resources Director Randall left the meeting at 7:58 p.m.

City Manager Gaura joined the meeting at 8:00 p.m.

Mayor Smith began further discussion of the City Manager Gaura's evaluation.

City Manager Gaura stated that her goal for the discussion was to highlight her next steps moving forward and then outline the details her employment agreement before closing thoughts. She declared that her number one goal is to follow Council's priorities. She highlighted some of the key concerns for her in the evaluation and provided explanations. She suggested that some of these concerns are due to the lack of established goals by Council and mentioned some of the persisting issues that could be established as goals. She provided concrete examples regarding her ability to provide mentorship to subordinates. In closing, she prompted questions and comments from Council.

There was a brief discussion between Alderman Noreiko and City Manager Gaura regarding the Popular Annual Financial Reporting (PAFR), and Comprehensive Annual Financial Report (CAFR) awards presented to staff.

Alderman Marquardt referred to the "goals" segment of the evaluation and could not recall how those goals were established. He noted that some of those goals were not measurable, which contributed to the frustration experienced by Aldermen during the evaluation process.

City Manager Gaura expressed similar frustration with the past evaluation process and explained how the document applied to her as opposed to all other City employees. She explained that all goals for employees moving forward are SMART goals, which she was not given the opportunity to be evaluated on. She explained that her past goals were not written as traditional goals, and it prevented her from being able to meet expectations.

Alderman Verbic asked if that was due to a dysfunction with the former Mayor. City Manager Gaura stated that the former Mayor and she had discussed goals, but it is her belief that those were never shared with the Council. She recommended that Council congregate periodically to establish measurable goals for her, which she will filter down to Department Heads to distribute to staff. While she is unable to determine exactly where the breakdown in that process occurred, she assured Council that her main objective moving forward is to avoid that dysfunction in the future.

Alderman Finucane shared historical perspective and expressed his analysis of what occurred.

Alderman Faivre discussed the new evaluation system and provided his suggestions for moving forward in the goal setting process. He added that there should be an updated Strategic Plan. City Manager Gaura agreed and stated that it allows Council and staff to be in concurrence.

Alderman Verbic noted that City Manager Gaura has verbalized that the City operations are not sustainable and questioned her efforts to create sustainability, specifically with a balanced budget.

City Manager Gaura pointed out that the revenues are lacking to provide services at a comparable level to other municipalities. As she came to understand the budget, she noticed that it was already unorganized and lacked transparency. She compared the City to the Village of Lombard and the Village of Elk Grove and discussed her experience in building sustainable operations with communities of similar size. She stated that the City needs to continue to grow its tax base and attract businesses through economic development, which is integrally tied to public safety.

City Manager Gaura listed her most notable accomplishments in 2017:

- Downtown Development
- Redevelopment
- Industrial Development
- Property Maintenance
- NIU Partnerships
- Annie Glidden North Revitalization Plan
- Transit Coordination
- Intergovernmental Coordination

- Increased role of the Finance Advisory Committee, Economic Development Commission, and Airport Advisory Board
- Personnel

With regard to her employment agreement, City Manager Gaura stated her goal is to keep it simple. She is not asking for any modifications to her agreement other than a change to the severance clause and to leave the contract open ended.

City Manager Gaura left the meeting at 9:03 p.m.

Mayor Smith mentioned that he and City Manager Gaura discussed her contribution to the session prior to the meeting and wondered if there was procedural consensus to move forward with her current contract.

Alderman Marquardt asked for clarification from fellow Aldermen not in favor of renewing her contract.

Alderman Jacobson highlighted some of City Manager Gaura's comments during her presentation and expressed his concerns regarding her perception of her accomplishments.

Alderman Verbic contributed his perspective of her performance.

Alderman Fagan contributed his perspective of her performance and provided explanation.

Discussion ensued.

Alderman Finucane asked City Attorney Frieders to explain the change in her severance clause, to which he obliged.

Alderman Faivre contributed his suggestions for moving forward with an employment agreement.

There was further discussion.

Alderman Finucane left the meeting at 9:59 p.m., returning at 10:01 p.m.

Council thoroughly discussed the details of City Manager Gaura's employment agreement.

Alderman Fagan left the meeting at 10:13 p.m., returning at 10:15 p.m.

Discussion regarding the City Manager's employment agreement continued.

City Attorney Frieders recapped the proposed modifications to City Manager Gaura's employment contract and encouraged Council to set an outside date for when they will conduct more performance evaluation discussions.

City Clerk Herrmann verbalized some of her concerns with the function of the City Clerk's Office under the City Manager's direct supervision.

Consensus was reached.

MOTION

Alderman Jacobson moved to adjourn the Executive Session; seconded by Alderman Fagan.

VOTE

Motion carried on an 8-0 voice vote. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: none. Mayor Smith declared the motion passed and the meeting adjourned at 10:34 p.m.

SUSANNA HERRMANN
City Clerk



Approved: May 29, 2018
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
REGULAR MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
NOVEMBER 28, 2017**

The City Council of DeKalb, Illinois, held an Executive Session on November 27, 2017, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the City Council at the Regular Meeting of the City Council of the previous day (November 27, 2017).

The session started at 12:01 a.m. Council members in attendance were: Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Pat Fagan, Alderman Kate Noreiko, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith. Alderman Dave Jacobson arrived at 12:02 a.m.

Also present were: City Manager Anne Marie Gaura, City Attorney Dean Frieders, and City Clerk Susanna Herrmann.

EXECUTIVE SESSION MINUTES AS PROVIDED FOR IN 5 ILCS 120/2(c)(21)

City Attorney Frieders recommended that Council approve the Executive Session minutes but not to release any of them. He then recommended that Council compose a policy decision on the destruction of recordings that are no longer needed.

Alderman Finucane asked if there were any Executive Session minutes that were recommended for release. City Attorney Frieders replied in the negative.

There was a brief discussion and consensus was reached.

MOTION

Alderman Jacobson moved to adjourn the Executive Session; seconded by Alderman Finucane.

VOTE

Motion carried on an 8-0 voice vote. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: none. Mayor Smith declared the motion passed and the meeting adjourned at 12:06 a.m.

SUSANNA HERRMANN
City Clerk



Approved: May 29, 2018
Released: March 22, 2021



EXECUTIVE-CLOSED SESSION MINUTES INDEX

2018		Recommendation for Release	
		Yes	No
January 8, 2018 (Regular) Approved: May 29, 2018 Audio Destroyed: Pending	Personnel	Released: March 22, 2021	
	Purchase or Lease of Real Property		
March 20, 2018 (Special COW) Approved: July 9, 2018 Audio Destroyed: Pending	Personnel	Released: March 22, 2021	
April 4, 2018 (Special) Approved: July 9, 2018 Audio Destroyed: Pending	Personnel	Released: March 22, 2021	
	Selection of a Person to Fill a Public Office		
April 17, 2018 (Special COW) Approved: July 9, 2018 Audio Destroyed: Pending	Personnel	Released: March 22, 2021	
May 14, 2018 (Regular) Approved: July 9, 2018 Audio Destroyed: Pending	Collective Bargaining		X
	Executive Session Minutes	Released: March 22, 2021	
	Personnel		
	Selection of a Person to Fill a Public Office		
June 11, 2018 (Regular) Approved: July 9, 2018 Audio Destroyed: Pending	Executive Session Minutes	Released: March 22, 2021	
	Pending or Imminent Litigation		
July 9, 2018 (COW) Approved: January 14, 2019 Audio Destroyed: Pending	Purchase or Lease of Real Property	Released: March 22, 2021	
July 23, 2018 (Regular) Approved: January 14, 2019 Audio Destroyed: Pending	Purchase or Lease of Real Property	Released: March 22, 2021	
September 10, 2018 (Regular) Approved: January 14, 2019 Audio Destroyed: Pending	Pending or Imminent Litigation		X
November 13, 2018 (Regular) Approved: January 14, 2019 Audio Destroyed: Pending	Collective Bargaining		X
	Pending or Imminent Litigation		X
	Selection of a Person to Fill a Public Office		X
November 16, 2018 (Special) Approved: January 14, 2019 Audio Destroyed: Pending	Personnel	Released: March 22, 2021	
	Selection of a Person to Fill a Public Office		
November 26, 2018 (COW) Approved: January 14, 2019 Audio Destroyed: Pending	Pending or Imminent Litigation		X
	Personnel		X
December 6, 2018 (Special) Approved: January 14, 2019 Audio Destroyed: Pending	Personnel	Released: March 22, 2021	
	Selection of a Person to Fill a Public Office		
December 10, 2018 (COW) Approved: January 14, 2019 Audio Destroyed: Pending	Personnel	Released: March 22, 2021	
	Selection of a Person to Fill a Public Office		

**MINUTES
CITY OF DEKALB
REGULAR MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
JANUARY 8, 2018**

The City Council of DeKalb, Illinois, held an Executive Session on January 8, 2018, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The Executive Session was called by a majority vote of the City Council at the Regular meeting of the same day.

The Executive Session started at 8:09 p.m.

Council members in attendance were: Alderman Dave Jacobson, Alderman Bill Finucane, Alderman Kate Noreiko, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith. Alderman Mike Marquardt and Alderman Pat Fagan were absent at roll call.

Also present were: City Manager Anne Marie Gaura, Assistant City Manager Patty Hoppenstedt, City Attorney Dean Frieders, Public Works Director Tim Holdeman, and City Clerk Susanna Herrmann.

PURCHASE OR LEASE OF REAL PROPERTY 5 ILCS 120/2(c)(5)

Mayor Smith noted that Alderman Fagan had recused himself from this discussion.

City Manager Gaura noted that two items would be discussed under this item.

155 N. Third Street – Potential City Hall Building

Public Works Director Holdeman provided a brief history regarding the discussion of this item. He also provided information regarding recent tours of the property/building in question, which included staff, some consultants, contractors, and several Aldermen.

Public Works Director continued, outlining some of the issues with the building that would have to be remedied prior to occupancy.

Public Works Director Holdeman provided Council with a list of what would need to happen next and explained that an environmental evaluation would need to be done to determine if there was any lead, asbestos and/or mold contamination. He also noted a possible issue with the HVAC system.

Public Works Director Holdeman continued, stating the seller is highly motivated and has offered to finance the City's purchase of the building on a long-term basis, making alterations as needed. He believes the City could go back to the seller and ask that they fund the environmental evaluation, which the City would dictate the firm and scope used.

City Manager Gaura stated that at this point, staff would need consensus from Council to move forward with getting an environmental evaluation in an amount not to exceed \$20,000. She provided Council with a recap of what had been previously discussed regarding this item. She stated from a staff perspective, the biggest concern at this point are possible environmental issues.

City Attorney Frieders suggested that the next step should be for staff to go back to the seller to see if they would finance the environmental evaluation, and if not, look at other options.

A brief discussion ensued between Alderman Faivre and Public Works Director Holdeman regarding the assessed price of the building (\$450,000).

Discussion continued regarding the condition of the building and the property.

Alderman Verbic asked for an update on the cost of updating the current City Hall HVAC system. Public Works Director Holdeman replied that the rough estimate was \$1.5 to \$2 million. He noted that removing the old HVAC system would likely reveal asbestos and mold. City Attorney Frieders further noted that an early environmental assessment revealed that many of the current system's pipes are wrapped in asbestos and the boiler system is insulated in asbestos. Further, the boiler systems pipes are integrated into the walls and ceilings so there are many unknowns.

Alderman Verbic indicated he continues to support new construction, specifically on the site of the current City Hall.

Alderman Jacobson stated he was impressed with the condition of the 155 N. Third Street building. However, he feels it would be a money pit and described some of the issues he observed during his tour of the building. He further stated that while the current City Hall has its own issues, he believes it has better parking.

Discussion ensued.

Alderman Verbic indicated he does not want to move forward with the purchase of the property.

Alderman Finucane indicated he was skeptical on moving forward with the purchase of the property.

Alderman Faivre indicated that he would prefer to look at other alternatives.

Alderman Jacobson indicated again, that while the building shows well, it has a variety of issues that would need to be addressed.

Brief discussion ensued.

City Manager Gaura asked if Council would be interested in acquiring the property, demolishing the current structure, and rebuilding on the site.

Alderman Finucane asked if parking would still be an issue, with City Manager Gaura indicating there would. She also stated that there was a value to acquiring the site in order to support the businesses downtown because of the divide between City Hall and the downtown area due to the railroad tracks.

Alderman Noreiko indicated that further exploration of purchasing the building shouldn't be out of the question as the site has the value of being in the downtown area.

Brief discussion ensued regarding other properties in that area that could be potential sites for a new City Hall.

Consensus of the Council members present was to not move forward with the purchase of the property.

Frontier Building (Adjacent to the Airport)

Alderman Fagan joined the meeting at 8:30 p.m.

City Manager Gaura spoke to this item, stating that the last time it was discussed was before the new Council was seated. She also indicated that the purchase of the site was included in the Transportation Improvement Plan for the Airport.

Public Works Director Holdeman provided an overview of this item, referencing a handout he provided to Council during this session. He indicated that the funding for purchasing the site would come through the Illinois Department of Transportation (IDOT) – Aeronautic Division's Transportation Implementation Plan, which would provide funding for a snow removal equipment building. The City's snow removal equipment is currently stored in one of the airport's hangars. Removing the equipment would free up space, allowing the City to lease the hangar and generate revenue.

Public Works Director Holeman continued, stating the purchase price of the site is \$1.44 million, appraised at \$1.35 million. IDOT funds would cover 85% of the cost (\$800,770). The City would pay for the entire purchase and that amount would be reimbursed by IDOT over three to five years.

Public Works Director Holdeman further stated that 65% of the building would have to be used for snow equipment storage, and the other 35% could be used for other vehicle storage. He noted that the Fire Department and other City departments use the City's other storage building and there's no room for anything else, therefore, creating a dire need for storage.

Public Works Director Holdeman provided Council with a brief history of how the City became aware of the potential for acquiring the site via Tom Kuschman, Frontier's former General Manager. He indicated that Frontier has not shown a lot of motivation with continuing discussion to sell the property and questions the validity of the deal.

Based on the information provided, Public Works Director Holdeman asked if there was a general consensus among Council to proceed and have staff reach out to the new manager about rekindling the idea of the City purchasing the property.

There was discussion regarding the potential purchase of the property and the value of expanding the footprint of the Airport, specifically the corner of Peace Road and Pleasant Street.

Alderman Fagan asked if there was any other property at the Airport that's privately owned. It was determined there was none.

Alderman Verbic asked what it would cost to construct a new building on the site to provide the storage needed. Public Works Director Holdeman indicated that that information had not yet been obtained.

Discussion ensued.

Alderman Jacobson asked what the appraised value was based on. Public Works Director Holdeman stated perhaps by Frontier, but he couldn't recall. Alderman Jacobson added that he didn't believe the property was worth anywhere near the value noted. He provided information on property surrounding the area in question that's selling for much less.

City Manager Gaura indicated that if Council decided to proceed, an appraisal would be done for the true value of the property.

Brief discussion ensued.

Alderman Verbic echoed Alderman Jacobson's comments.

Alderman Fagan asked for clarification on the direction needed from Council, which City Manager Gaura provided.

Mayor Smith asked if there was general consensus on moving forward with staff approaching Frontier on the possibility of selling the property, for which the Council members present concurred.

Alderman Finucane asked for an update on the Mooney property. City Attorney Frieders stated that Phase 2 of the remediation evaluation was complete. He defined some of the contamination, which is petrol in nature and less intensive to resolve. He indicated that Community Development Director Charlton and Economic Development Planner Michnick were working on different alternatives to the City taking further interest and bringing those forward to Council for further discussion.

PERSONNEL 5 ILCS 120/2(c)(1)

City Attorney Frieders explained how this statute applies to the discussion of Legal Counsel.

City Manager Gaura explained that this discussion was being brought forward at the request of two Aldermen. She provided an overview of the legal services the City currently receives and the nature of how they're received.

City Manager Gaura continued, providing an overview of the services provided by City Attorney Frieders, noting he provides services based on a flat rate. She commended City Attorney Frieders on his responsiveness to questions or requests, noting she's impressed with the level of service he brings to the City.

City Manager Gaura explained the other legal services provided to the City are provided at an hourly rate, noting that staff is generally pleased with the services provided.

City Manager Gaura also explained why the City uses more than one legal firm to provide services.

City Attorney Frieders provided an overview of the services he provides to the City.

Assistant City Manager Hoppenstedt provided comments regarding the legal services the City receives. She commended City Attorney Frieders for his dedication, professionalism and going above and beyond what's required of him.

Mayor Smith provided input regarding City Attorney Frieders' performance and what he's experienced with him thus far, commending him for his services.

Continuing with the conversation, it was agreed by Council that City Attorney Frieders should stay in the room.

Alderman Fagan provided input regarding his contact with City Attorney Frieders, commending him for his services. He noted that this topic wasn't brought up just to discuss the services provided by City Attorney Frieders but all legal services the City receives.

Discussion ensued.

Alderman Finucane indicated he was pleased with the services City Attorney Frieders provides to the City.

Alderman Jacobson provided his historic perspective of the legal services the City has received during his time as Alderman. He indicated he has never felt that City Attorney Frieders has provided legal advice outside the realm of what's expected. He commended City Attorney Frieders on his responsiveness and knowledge and values his input.

There was brief discussion regarding the Administrative Assistant role that supports City Attorney Frieders.

Discussion ensued.

Alderman Noreiko noted that she has always been impressed with City Attorney Frieders' during Council meetings to recall past conversations and reply with comprehensive knowledge and understanding.

Mayor Smith indicated that he believes the consensus of Council present indicates they are pleased with the City Attorney Frieders' current level of services.

City Attorney Frieders stated that he appreciates Council's input and welcomes further feedback.

Brief discussion ensued on the cost analysis of legal services, with indication that it would be provided to Council in the near future.

ADJOURNMENT

MOTION

Alderman Jacobson moved to adjourn the executive session; seconded by Alderman Verbic.

VOTE

Motion carried on an 7-0-1 voice vote. Aye: Jacobson, Finucane, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: none. Absent: Marquardt. Mayor Smith declared the motion passed and the Executive Session adjourned at 9:37 p.m.

RUTH A. SCOTT

Deputy City Clerk for
Susanna Herrmann,
City Clerk



Approved: May 29, 2018
Released: March 22, 2021

**MINUTES CITY OF DEKALB
SPECIAL COMMITTEE OF THE WHOLE MEETING
EXECUTIVE SESSION
MARCH 20, 2018**

The City Council of DeKalb, Illinois held an Executive Session on March 20, 2018, at the DeKalb Municipal Building, 200 South Fourth Street, Room 201, DeKalb, Illinois. The Executive Session was called by a majority vote of the City Council at the Special Committee of the Whole Meeting of City Council of the same day.

The Executive Session started at 6:37 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Pat Fagan, Alderwoman Kate Noreiko, Alderman Mike Verbic and Mayor Jerry Smith. Alderman Marquardt was absent.

Also present were: City Attorney Dean Frieders and City Clerk Susanna Herrmann.

PERSONNEL 5 ILCS 120/2(c)(1)

This Executive Session was held to discuss issues with the performance of City Manager Anne Marie Gaura and recent events involving her role.

ADJOURNMENT

Alderman Finucane moved to adjourn the Executive Session; seconded by Alderman Jacobson. Motion carried on a voice vote of 7-0-1. Aye: Jacobson, Finucane, Fagan, Noreiko, Verbic, and Smith. Nay: None. Not Present: Marquardt.

The Executive Session adjourned at 7:36 p.m.

SUSANNA HERRMANN
City Clerk



Approved: July 9, 2018
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
SPECIAL MEETING OF CITY COUNCIL
EXECUTIVE SESSION
APRIL 4, 2018**

The City Council of DeKalb, Illinois held an Executive Session on April 4, 2018, at the DeKalb Municipal Building, 200 South Fourth Street, Room 201, DeKalb, Illinois. The Executive Session was called by a majority vote of the City Council at the Special Meeting of City Council of the same day.

The Executive Session started at 6:25 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Michael Marquardt, Alderman Pat Fagan, Alderwoman Kate Norieko, Alderman Mike Verbic and Mayor Jerry Smith.

Also present were: City Attorney Dean Frieders and Deputy City Clerk Carri Parker.

PERSONNEL 5 ILCS 120/2(c)(1) AND SELECTION OF A PERSON TO FILL A PUBLIC OFFICE 5 ILCS 120/2(c)(3)

Mayor Smith explained that he would like consensus of City Council of having current Assistant City Manager fill the vacant City Manager position as interim until the position is filled permanently.

City Attorney Frieders recommended that someone should fill this role for the use of powers and sign documents. He added that if Council authorizes this it would be an interim appointment until the position is filled or until Assistant City Manager Hoppenstedt leaves the City.

Alderman Finucane expresses his concern for when Assistant City Manager Hoppenstedt leaves the City.

Alderman Fagan restated that based on an email from Anne Marie Gaura that the Assistant City Manager position will not be filled once Patty Hoppenstedt leaves such as Cris Randall.

City Attorney Frieders stated that he will make the suggestions to Assistant City Manager Hoppenstedt to not backfill the Assistant City Manager position.

Mayor Smith explained that he has directed the following COW meeting be solely dedicated to the City Manager search.

Alderman Jacobson asked about the acting pay compensation.

City Attorney Frieders stated that unless the Council directs otherwise the acting pay compensation would not be offered.

Alderman Norieko asked about why Assistant City Manager Hoppenstedt would not be eligible for an acting pay increase.

Mayor Smith stated that since it is in the short-term that he did not think it was necessary.

Alderman Norieko explained that she thought that it would be a good gesture for the City to offer the additional pay compensation.

Alderman Jacobson agreed that offering the compensation increase would be supported.

Alderman Finucane, Alderman Fagan, and Alderman Verbic stated they would support a 10% increase and backdated to the date her began that role.

ADJOURNMENT

Alderman Jacobson moved to adjourn the Executive Session; seconded by Alderman Fagan. Motion carried on a voice vote of 7-0-1. Aye: Jacobson, Finucane, Marquardt, Fagan, Norieko, Verbic, and Smith. Nay: None. Not Present: Faivre.

The Executive Session adjourned at 6:40 p.m.

CARRI PARKER
Deputy City Clerk



Approved: July 9, 2018
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
SPECIAL COMMITTEE OF THE WHOLE MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
APRIL 17, 2018**

The City Council of DeKalb, Illinois, held an Executive Session on April 17, 2018, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The Executive Session was called by a majority vote of the City Council at the Special Committee of the Whole meeting of the same day.

The Executive Session started at 6:19 p.m.

Council members in attendance were: Alderman Dave Jacobson, Alderman Bill Finucane, Alderman Pat Fagan, Alderman Kate Noreiko, Alderman Mike Verbic, and Mayor Jerry Smith. Alderman Mike Marquardt and Alderman Tony Faivre were absent.

Also present were: City Attorney Dean Frieders and Deputy City Clerk Ruth Scott.

PERSONNEL 5 ILCS 120/2(C)(1)

Mayor Smith explained that he asked for this Executive Session to talk about the City Manager search process, as well as the appointment of an Interim City Manager upon the departure of the current Interim City Manager Hoppenstedt.

Mayor Smith continued, stating he's been contacted by several individuals who are interested in both roles, Interim City Manager and City Manager.

Discussion among Council members ensued regarding the qualified candidate and the background they'd be required to possess, such as education and management background.

Alderman Verbic stated the City needs a fresh view of government, adding he's not interested in anyone who's already worked for the City as City Manager.

There was brief discussion regarding the possible appointment of previous City Managers in the interim.

Alderman Verbic indicated he would prefer an appointment from within the City in the interim.

Alderman Noreiko noted her concerns for appointing someone from within due to current workloads and time constraints on department heads. She also expressed her concern of appointing a former City Manager as they may come in with their own agenda and not necessarily the one Council has in mind.

Alderman Jacobson commented that the role of City Manager will be difficult to fill.

Discussion ensued regarding a department head stepping in as Interim City Manager, and which department would be least impacted.

Mayor Smith asked if it would be appropriate for him to reach out to each department head to gauge their interest in the interim role. Alderman Jacobson stated he felt it may be more

appropriate for Interim City Manager Hoppenstedt to reach out and then report back to the Mayor or Council.

ADJOURNMENT

MOTION

Alderman Jacobson moved to adjourn the executive session; seconded by Alderman Fagan.

VOTE

Motion carried on an 6-0-2 voice vote. Aye: Jacobson, Finucane, Fagan, Noreiko, Verbic, Smith. Nay: None. Absent: Marquardt, Faivre. Mayor Smith declared the motion passed and adjourned the Executive Session 6:40 p.m.

RUTH A. SCOTT
Deputy City Clerk



Approved: July 9, 2021
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
REGULAR MEETING OF CITY COUNCIL
EXECUTIVE SESSION
MAY 14, 2018**

The City Council of DeKalb, Illinois held an Executive Session on May 14, 2018, at the DeKalb Municipal Building, 200 South Fourth Street, Room 201, DeKalb, Illinois. The Executive Session was called by a majority vote of the City Council at the Regular Meeting of City Council of the same day.

The Executive Session started at 9:34 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Pat Fagan, Alderman Kate Noreiko, Alderman Mike Verbic and Mayor Jerry Smith.

Also present were: City Attorney Dean Frieders, Deputy City Clerk Ruth Scott, Human Resources Director Cris Randall, Public Works Director Tim Holdeman, and Attorney Ben Gehrt.

PERSONNEL 5 ILCS 120/2(C)(1) AND PERSON TO FILL A VACANCY IN A PUBLIC OFFICE 5 ILCS 120/2(C)(3) *(Released: March 22, 2021)*

Council was notified that Interim City Manager Patty Hoppenstedt would be moving out of state sooner rather than later. Mayor Smith stated he's had conversations with Department Heads and Finance Director Molly Talkington has indicated she's interested in taking on the role of Interim City Manager, with a 10% increase in compensation, until someone is hired for the role permanently. It was the consensus of Council to proceed.

EXECUTIVE SESSION MINUTES 5 ILCS 120/2(C)(21) *(Released: March 22, 2021)*

City Attorney Frieders stated that none of the Executive Session minutes up for approval are suggested for release. As always, Executive Session minutes are available for review with Deputy City Clerk Scott at any time.

COLLECTIVE BARGAINING 5 ILCS 120/2(C)(2)



ADJOURNMENT

Alderman Fagan moved to adjourn the Executive Session; seconded by Alderman Verbic. Motion carried on a voice vote of 8-0. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, and Smith. Nay: None.

The Executive Session adjourned at 10:02 p.m.

RUTH A. SCOTT, Deputy City Clerk

**MINUTES CITY OF DEKALB
REGULAR MEETING OF CITY COUNCIL
EXECUTIVE SESSION
JUNE 11, 2018**

The City Council of DeKalb, Illinois held an Executive Session on June 11, 2018, at the DeKalb Municipal Building, 200 South Fourth Street, Room 201, DeKalb, Illinois. The Executive Session was called by a majority vote of the City Council at the Regular Meeting of City Council of the same day.

The Executive Session started at 9:42 p.m. Council members in attendance were: Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Pat Fagan, Alderman Kate Noreiko, Alderman Mike Verbic and Mayor Jerry Smith. Alderman Jacobson arrived at 9:46 p.m.

Also present were: Interim City Manager Patty Hoppenstedt, City Attorney Dean Frieders, and Deputy City Clerk Ruth Scott.

EXECUTIVE SESSION MINUTES 5 ILCS 120/2(C)(21)

City Attorney Frieders explained that over the past 18 months he has done a comprehensive review of past Executive Session minutes and was prepared to bring forward those minutes recommended for release and is prepared to recommend to Council the release, partial release or hold of Executive Session Minutes going all the way back to 2003. Those recommendations would be brought forward to Council at an upcoming Executive Session meeting.

Brief discussion ensued. Council was advised to meet with Deputy City Clerk Scott to review the minutes at their convenience.

PENDING OR IMMINENT LITIGATION 5 ILCS 120/2(C)(11)

City Attorney Frieders provided a brief overview and status of the over 500 pending cases against Hunter Properties.

ADJOURNMENT

Alderman Jacobson moved to adjourn the Executive Session; seconded by Alderman Verbic. Motion carried on a voice vote of 8-0. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, and Smith. Nay: None.

The Executive Session adjourned at 10:04 p.m.

RUTH A. SCOTT
Deputy City Clerk



Approved: July 9, 2018
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
JULY 9, 2018**

The City Council of DeKalb, Illinois, held an Executive Session on July 9, 2018, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The Executive Session was called by a majority vote of the City Council at the Committee of the Whole meeting of the same day.

The Executive Session started at 5:43 p.m.

Council members in attendance were: Alderman Dave Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Pat Fagan, Alderman Kate Noreiko, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Also present were: Interim City Manager Molly Talkington, City Attorney Dean Frieders, Community Development Director Jo Ellen Charlton, Deputy City Clerk Ruth Scott, and Deputy City Clerk Shelly Jureczek.

PURCHASE OR LEASE OF REAL PROPERTY 5 ILCS 120/2(C)(5).

City Attorney Frieders provided information regarding a property the City is interested in purchasing via tax sale, located at 715 N. 11th Street.

City Attorney Frieders also provided information on an unmaintained property located at 1101 N. 1st Street, which is an abandoned gas station. The property has underground fuel storage tanks with fuel and some leakage. A suit has been filed against the owner of the property, which is a trust, by the Office of the State Fire Marshall. The City has been in contact with Fehr Graham who has indicated that the Leaking Underground Storage Tank (LUST) through the Environmental Protection Agency is an option. However, in order to take advantage of the LUST Program, the City must own it. Therefore, it is recommended to proceed with the purchase of the property in order to proceed with remediation.

Discussion ensued among Council regarding the reputability of the LUST Program, the timeline of purchase and remediation, the City's liability of surrounding properties, and what to do with the property once it was remediated.

There was consensus of Council to move forward with the purchase of the property.

ADJOURNMENT

MOTION

Alderman Noreiko moved to adjourn the Executive Session at 5:59 p.m.; seconded by Alderman Marquardt.

VOTE

Motion was approved on a majority voice vote. Mayor Smith declared the Executive Session adjourned at 5:59 p.m.

RUTH A. SCOTT
Deputy City Clerk



**MINUTES
CITY OF DEKALB
REGULAR MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
JULY 23, 2018**

The City Council of DeKalb, Illinois, held an Executive Session on July 23, 2018, in the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The Executive Session was called by a majority vote of the City Council at the Regular meeting of the same day.

The Executive Session started at 9:11 p.m.

Council members in attendance were: Alderman Dave Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Pat Fagan, Alderman Kate Noreiko, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Also present were: Acting City Manager/Community Development Director (ACM/CDD) Jo Ellen Charlton, City Attorney Dean Frieders, and Deputy City Clerk Ruth Scott

PURCHASE OR LEASE OF REAL PROPERTY 5 ILCS 120/2(C)(5)

ACM/CDD Charlton provided an overview of a piece of property on the south side of DeKalb, which was formerly a golf course but has not been in business for over a year. The City has been approached informally by the owner to see if there's an interest in acquiring the property via donation at no cost to the City.

ACM/CDD Charlton continued, stating the far south point of the property is not annexed into DeKalb.

Alderman Fagan noted his familiarity of the property and provided Council with some background and history on the property and the owners.

There was brief discussion on whether the DeKalb Park District would be interested in the property; they were not.

Discussion ensued regarding potential plans for the property and residential development in the area.

Alderman Jacobson asked if DeKalb Township had been approached regarding any interest in the property; they are not.

There was consensus to allow ACM/CDD Charlton to continue conversation with owner regarding acquisition of the property.

ADJOURNMENT

MOTION

Alderman Jacobson moved to adjourn the Executive Session at 9:33 p.m.; seconded by Alderman Verbic.

VOTE

Motion was approved on a majority voice vote. Mayor Smith declared the Executive Session adjourned at 9:33 p.m.

RUTH A. SCOTT
Deputy City Clerk



Approved: January 14, 2019
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
SPECIAL MEETING OF CITY COUNCIL
EXECUTIVE SESSION
NOVEMBER 16, 2018**

The City Council of DeKalb, Illinois, held an Executive Session on November 16, 2018, in the Executive Conference Room of the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the Council during a Special Meeting the same day.

The Executive Session started at 2:10 p.m.

Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Michael Marquardt, Alderman Pat Fagan, Alderman Kate Noreiko, Alderman Tony Faivre, and Mayor Jerry Smith.

Alderman Mike Verbic arrived 2:46 p.m.

Also present were: Interim City Manager Ray Munch, City Attorney Dean Frieders, City Clerk Lynn Fazekas, HR Generalist Michelle Brening, and Heidi Vorhees of GovHR.

Council closed the meeting under the following exemptions of the Open Meetings Act:

**PERSONNEL 5 ILCS 120/2(C)(1)
THE SELECTION OF A PERSON TO FILL AN OFFICE 5 ILCS 120/2(C)(3)**

Ms. Vorhees summarized the process so far. She said she has identified what Council has said they are looking for in a City Manager and ranked each candidate into one of three tiers depending on Council preferences pertaining to qualifications, experience, leadership style, community involvement, and cultural fit with Council.

Council members asked Ms. Vorhees about the ranking method and vetting. She explained that GovHR checks social media, media coverage and reference checks, but uses a third party to do criminal background checks and educational confirmation. Ms. Vorhees also conducted phone interviews with applicants.

Council asked questions about individual applicants and selected six candidates to involve in preliminary interviews. They then decided upon interview procedures and scheduling.

ADJOURNMENT

MOTION

Alderman Noreiko moved to adjourn the executive session at 4:46 p.m.; Alderman Jacobson seconded.

VOTE

Motion was approved on majority voice vote. Mayor Smith declared the Executive Session adjourned at 4:46 p.m.

LYNN FAZEKAS
City Clerk



Approved: January 14, 2019
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
SPECIAL CITY COUNCIL MEETING
EXECUTIVE SESSION
DECEMBER 6, 2018**

The City Council of DeKalb, Illinois held an Executive Session on December 6, 2018, in the Executive Conference Room of the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The Executive Session was called during a Special Meeting held the same day.

Mayor Smith called the meeting to order at 8:14 a.m.

ROLL CALL

City Clerk Lynn Fazekas called the roll, and the following members of City Council were present: Alderman David Jacobson, Alderman Bill Finucane, Alderman Pat Fagan, Alderman Kate Noreiko, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Also present were: Interim City Manager Ray Munch and City Attorney Dean Frieders.

Council had approved the session to hold interviews individually with six City Manager candidates and to choose finalists for the position, under the following exemptions to the Open Meetings Act:

**PERSONNEL 5 ILCS 120/2(C)(1)
SELECTION OF A PERSON TO FILL AN OFFICE 5 ILCS 120/2(C)(3)**

Mayor Smith reviewed the interview schedule and assigned an Alderman to each candidate to escort the candidate to and from the interview room.

Council members took turns asking questions of the candidates. Most of the questions were pre-arranged and the same ones asked of each candidate, though there were some variations according to individual circumstances and there were follow-up questions as well. Council also gave each candidate an opportunity to ask questions or make additional comments near the end of each hour-long interview.

At approximately 10:00 a.m., the City received a notarized letter of resignation from Alderman Marquardt. He therefore no longer appears as "absent" in these minutes.

Council called recesses several times during this Executive Session to allow the Clerk to turn off the recorder and upload session audio during breaks, resuming the Executive Session under the same exemptions as above.

MOTION

Alderman Finucane moved to recess Executive Session at 12:04 p.m. for duration of the scheduled lunch break. Alderman Verbic seconded.

VOTE

Motion was approved on majority voice vote.

MOTION

Alderman Verbic moved to resume Executive Session at 1:00 p.m. Alderman Finucane seconded.

VOTE

Motion was approved on 7-0 roll call vote. Aye: Jacobson, Finucane, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: none.

MOTION

Alderman Fagan moved to recess Executive Session at 2:02 p.m. for the duration of a scheduled break. Alderman Jacobson seconded.

VOTE

Motion was approved on majority voice vote.

MOTION

Alderman Faivre moved to resume Executive Session at 2:15 p.m. Alderman Fagan seconded.

VOTE

Motion was approved on 7-0 roll call vote. Aye: Jacobson, Finucane, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: none.

MOTION

Alderman Fagan moved to recess Executive Session at 3:15 p.m. for the duration of a scheduled break. Alderman Finucane seconded.

VOTE

Motion was approved on majority voice vote.

MOTION

Alderman Jacobson moved to resume Executive Session at 3:37 p.m. Alderman Faivre seconded.

VOTE

Motion was approved on 7-0 roll call vote. Aye: Jacobson, Finucane, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: none.

At 4:45 p.m., following the sixth and final interview of the meeting, Council discussed the performance of each of the candidates and decided to invite four of the six to return for further interviews the following day.

ADJOURNMENT

MOTION

Alderman Finucane moved to adjourn Executive Session at 5:11 p.m. Alderman Jacobson seconded. Meeting was adjourned on majority voice vote at 5:11 p.m.

LYNN FAZEKAS
City Clerk



**MINUTES
CITY OF DEKALB
COMMITTEE OF THE WHOLE MEETING OF CITY COUNCIL
EXECUTIVE SESSION
DECEMBER 10, 2018**

The City Council of DeKalb, Illinois, held an Executive Session on December 10, 2018, in the Executive Conference Room of the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the Council during its Committee of the Whole Meeting the same day.

The Executive Session started at 5:07 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Pat Fagan, Alderman Kate Noreiko, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Also present were: Interim City Manager Ray Munch, City Attorney Dean Frieders, and City Clerk Lynn Fazekas.

The Executive Session was authorized by Council under the following exemptions of the Open Meetings Act:

**PERSONNEL 5 ILCS 120/2(C)(1)
SELECTION OF A PERSON TO FILL AN OFFICE 5 ILCS 120/2(C)(3)
EXECUTIVE SESSION MINUTES 5 ILCS 120/2(C)(21).**

However, Executive Session Minutes were not discussed during this meeting.

Mayor Smith summarized the steps taken so far in the City Manager candidate interview process. Council then began discussion of the candidate pool.

Council members agreed that the remaining pool of three candidates was strong, and that the decision came down to choosing a focus on short-term problem-solving versus the future. They categorized the finalists accordingly. Although the preference was not unanimous, consensus was that immediate stability is preferred at this point, and that one finalist would be able to deliver it.

City Attorney Frieders provided a handout that compared compensation of previous City Managers and explained the differences between hiring a City Manager under the regular ("Chapter 3") rules for management employees versus offering a contract with additional options, such as an expiring term and severance.

Council consensus was determined, but no final decision was made.

ADJOURNMENT

MOTION

Alderman Jacobson moved to adjourn Executive Session at 6:00 p.m. Alderman Finucane seconded.

VOTE

Motion was approved on majority voice vote. Mayor Smith declared the executive session adjourned at 6:00 p.m.

LYNN FAZEKAS
City Clerk



Approved: January 14, 2019
Released: March 22, 2021



EXECUTIVE-CLOSED SESSION MINUTES INDEX

2019		Recommendation for Release	
		Yes	No
February 11, 2019 (Regular) Approved: June 10, 2019 Audio Destroyed: Pending	Collective Bargaining		X
March 11, 2019 (Regular) Approved: June 10, 2019 Audio Destroyed: Pending	Collective Bargaining		X
March 25, 2019 (Regular) Approved: June 10, 2019 Audio Destroyed: Pending	Pending or Imminent Litigation	Released: March 22, 2021	
	Personnel		
April 3, 2019 (Special) Approved: June 10, 2019 Audio Destroyed: Pending	Personnel	Released: March 22, 2021	
April 8, 2019 (Regular) Approved: June 10, 2019 Audio Destroyed: Pending	Personnel	Released: March 22, 2021	
	Security Procedure		X
May 13, 2019 (Regular) Approved: June 10, 2019 Audio Destroyed: Pending	Pending or Imminent Litigation	Released: March 22, 2021	
	Personnel		
	Purchase or Lease of Real Property		
	Sale or Lease of Real Property		
May 28, 2019 (Regular) Approved: June 22, 2020 Audio Destroyed: Pending	Personnel	Released: March 22, 2021	
	Executive Session Minutes		
June 24, 2019 (Regular) Approved: June 22, 2020 Audio Destroyed: Pending	Executive Session Minutes	Released: March 22, 2021	
July 8, 2019 (Regular) Approved: June 22, 2020 Audio Destroyed: Pending	Purchase or Lease of Real Property	Released: March 22, 2021	
July 22, 2019 (Regular) Approved: June 22, 2020 Audio Destroyed: Pending	Pending or Imminent Litigation		X
	Personnel	Released: September 23, 2019	
August 12, 2019 (Regular) Approved: June 22, 2020 Audio Destroyed: Pending	Pending or Imminent Litigation	Released: March 22, 2021	
	Personnel		
August 26, 2019 (Regular) Approved: June 22, 2020 Audio Destroyed: Pending	Pending or Imminent Litigation		X
September 9, 2019 (Regular) Approved: June 22, 2020 Audio Destroyed: Pending	Executive Session Minutes	Released: March 22, 2021	
	Pending or Imminent Litigation		
	Personnel		



EXECUTIVE-CLOSED SESSION MINUTES INDEX

2019		Recommendation for Release	
		Yes	No
October 14, 2019 (Regular) Approved: June 22, 2020 Audio Destroyed: Pending	Pending or Imminent Litigation	Released: March 22, 2021	
	Purchase or Lease of Real Property		
November 12, 2019 (Regular) Approved: June 22, 2020 Audio Destroyed: Pending	Purchase or Lease of Real Property	Released: March 22, 2021	
November 25, 2019 (Regular) Approved: June 22, 2020 Audio Destroyed: Pending	Personnel	Released: March 22, 2021	
	Purchase or Lease of Real Property		

**MINUTES
CITY OF DEKALB
REGULAR MEETING OF CITY COUNCIL
EXECUTIVE SESSION
MARCH 25, 2019**

The City Council of DeKalb, Illinois, held an Executive Session on March 25, 2019, in the Executive Conference Room of the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The Session was called by a majority vote of the Council during its regular meeting the same day.

Mayor Smith called the Executive Session to order at 7:01 p.m. Council members in attendance were: Alderman Bill Finucane, Alderman Joyce Stupugia, Alderman Pat Fagan, Alderman Kate Noreiko, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Alderman Jacobson arrived 7:07 p.m.

Also present were: City Manager Bill Nicklas, City Attorney Dean Frieders, Assistant City Manager Ray Munch, and City Clerk Lynn Fazekas.

The Executive Session was authorized by Council under the following Open Meetings Act exemptions:

**PURCHASE OR LEASE OF REAL PROPERTY AS PROVIDED FOR IN 5 ILCS (120/2)(C)(5)
PENDING OR IMMINENT LITIGATION AS PROVIDED FOR IN 5ILCS 120/2(C)(11)
PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(C)(1)**

However, Purchase or Lease of Real Property was not discussed during this Session.

Litigation

City Attorney Frieders shared a memo that summarized and updated the current status of all active cases. They include litigation, condemnation, demolition, and ordinance violation cases. He then went into more detail on the cases where council members voiced specific questions and concerns.

Attorney Frieders left the Executive Session when the discussion of litigation ended at 7:21 p.m.

Personnel

Following the City Attorney's departure, City Manager Nicklas presented a list summarizing information about the 11 attorneys and firms that had responded to the City's Request for Proposal (RFP) as part of the process of selecting new legal representation. Manager Nicklas suggested Council could eliminate some of the firms from consideration. One attorney on the list had provided his compensation requirements on March 22, after the RFP deadline, so the City Manager recommended that attorney's dollar amount not be considered.

Alderman Noreiko asked whether she should be participating in a decision where she would not have to live with the results. (She is not running for re-election next month.) Other Council members reassured her it was appropriate for her to give input.

Council began the process of elimination with each member commenting on the firms and individuals they personally know. Council members then invited City Manager Nicklas to share input, which he did, not only remarking on the firms he is familiar with, but also commenting on affordability of firms, and opining that the City needs to become less dependent generally on its attorney going forward.

Using considerations of pricing and of potential conflicts of interest, Council narrowed the list to four firms. Council then decided upon interview procedures, which included a wish to use the same set of questions with each of the four finalists, and to conduct the interviews on Wednesday, April 3, if possible.

Adjournment

MOTION

Alderman Jacobson moved to adjourn the Executive Session at 8:08 p.m. Alderman Finucane seconded.

VOTE

Motion was approved on majority voice vote. Mayor Smith declared the Executive Session adjourned at 8:08 p.m.

LYNN FAZEKAS
City Clerk



Approved: June 10, 2019
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
SPECIAL MEETING OF CITY COUNCIL
EXECUTIVE SESSION
APRIL 3, 2019**

The City Council of DeKalb, Illinois held a Special meeting on April 3, 2019, in the Executive Conference Room of the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois.

Mayor Smith called the meeting to order at 8:33 a.m.

Deputy City Clerk Scott called the roll and advised Council of the exemption for the Executive Session meeting. Council members in attendance were: Alderman Bill Finucane, Alderman Joyce Stupedia, Alderman Pat Fagan, Alderman Kate Noreiko, Alderman Mike Verbic, and Mayor Jerry Smith. Alderman David Jacobson arrived at 8:36 a.m. Alderman Tony Faivre was absent.

Also present were: City Manager Bill Nicklas, Assistant City Manager Raymond Munch, and Deputy City Clerk Ruth Scott.

The session had been called under the following exemption of the Open Meetings Act:

PERSONNEL 5 ILCS 120/2(C)(1)

Mayor Smith explained the reason for the Executive Session, which was called for the Council to interview prospective legal firms for City legal representative.

Mayor Smith and City Manager Nicklas provided information to Council members regarding the progression of the interviews.

Prior to the first interview, there was brief discussion among Council regarding how the selected firm will be utilized.

9:00 a.m. Rosenthal, Murphey, Coblentz & Donahue – Chicago

John Donahue and Matthew Rose were present on behalf of Rosenthal, Murphey, Coblentz & Donahue.

After introductions, Mr. Donahue and Mr. Rose made a brief presentation to Council regarding their experience with municipal law. Mayor Smith and Council members then proceeded with the interview, asking a variety of questions regarding which attorneys would be the lead council for the City, administrative hearings, required office space, development, Tax Increment Financing, Council meeting attendance, employment matters, review of documents, FOIA, availability, the mentoring of Northern Illinois University law interns, and liquor code violations. The interview concluded at 10:11 a.m.

MOTION

Alderman Fagan moved to briefly recess the Executive Session between interviews; seconded by Alderman Stupedia.

VOTE

Motion carried by a 7-0-1 majority voice vote. Mayor Smith declared the meeting recessed at 10:12 a.m.

MOTION

Alderman Fagan moved to reconvene Council from recess; seconded by Alderman Verbic.

VOTE

Motion carried by a 7-0-1 majority voice vote. Mayor Smith declared the meeting reconvened at 10:26 a.m.

10:30 a.m. Barrick, Switzer, Long, Balsley & Van Evera, LLP – Rockford

Doug Henry and Tom Green were present on behalf of Barrick, Long, Balsley & Van Evera, LLP.

After introductions, Mr. Henry and Mr. Green made a brief presentation to Council regarding their experience with municipal law. Mayor Smith and Council members then proceeded with the interview, asking a variety of questions regarding which attorneys would be the lead council for the City, administrative hearings, required office space, development, Tax Increment Financing, Council meeting attendance, employment matters, review of documents, FOIA, availability, the mentoring of Northern Illinois University law interns, and liquor code violations. The interview concluded at 11:33 a.m.

MOTION

Alderman Finucane moved to recess the Executive Session between interviews; seconded by Alderman Stupegia.

VOTE

Motion carried by a 5-0-3 majority voice vote (Alderman Jacobson, Alderman Verbic, as well as Alderman Faivre, were absent). Mayor Smith declared the meeting recessed at 11:35 a.m.

MOTION

Alderman Jacobson moved to reconvene Council from recess; seconded by Alderman. Verbic.

VOTE

Motion carried by a 7-0-1 majority voice vote. Mayor Smith declared the meeting reconvened at 1:18 p.m.

1:30 p.m. Robbins Schwartz – Bolingbrook

Dave Freeman, Neil Smith, Kathy Elliott were present on behalf of Robbins Schwartz.

After introductions, Mr. Freeman, Mr. Smith, and Ms. Elliott made a brief presentation to Council regarding their experience with municipal law. Mayor Smith and Council members then proceeded with the interview, asking a variety of questions regarding which attorneys would be the lead

council for the City, administrative hearings, required office space, development, Tax Increment Financing, Council meeting attendance, employment matters, review of documents, FOIA, availability, the mentoring of Northern Illinois University law interns, and liquor code violations. The interview concluded at 2:31 p.m.

MOTION

Alderman Fagan moved to recess the Executive Session between interviews; seconded by Alderman Verbic.

VOTE

Motion carried by a 6-0-2 majority voice vote (Alderman Jacobson was absent). Mayor Smith declared the meeting recessed at 2:32 p.m.

MOTION

Alderman Stupegia moved to reconvene Council from recess; seconded by Alderman Fagan.

VOTE

Motion carried by a 7-0-1 majority voice vote. Mayor Smith declared the meeting reconvened at 2:57 p.m.

3:00 p.m. Zukowski, Rogers, Flood & McArdle – Crystal Lake

Michael Smoron was present on behalf of Zukowski, Rogers, Flood & McArdle.

After introductions, Mr. Smoron made a brief presentation to Council regarding their experience with municipal law. Mayor Smith and Council members then proceeded with the interview, asking a variety of questions regarding which attorneys would be the lead council for the City, administrative hearings, required office space, development, Tax Increment Financing, Council meeting attendance, employment matters, review of documents, FOIA, availability, the mentoring of Northern Illinois University law interns, and liquor code violations. The interview concluded at 4:07 p.m.

Following the last interview, there was discussion among Council on the firms interviewed, all agreeing that the four interviewed were the best of all the proposals received.

Council then discussed the high points and low points of each firm. There was consensus among Council that the final two firms to be considered would be Rosenthal, Murphey, Coblentz & Donahue and Zukowski, Rogers, Flood & McArdle.

City Manager Nicklas will follow up with each firm to discuss the duties they will provide and negotiate cost.

Alderman Noreiko expressed her desire for each firm's references to be contacted.

MOTION

Alderman Finucane moved to adjourn the Executive Session; seconded by Alderman Jacobson.

VOTE

Motion carried by a 7-0-1 majority voice vote. Mayor Smith declared the meeting adjourned at 4:30 p.m.

RUTH A. SCOTT
Deputy City Clerk



Approved: June 10, 2019
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
REGULAR MEETING OF CITY COUNCIL
EXECUTIVE SESSION
APRIL 8, 2019**

The City Council of DeKalb, Illinois, held an Executive Session on April 8, 2019, in the Executive Conference Room of the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the Council during its regular meeting the same day.

Mayor Smith called the Executive Session to order at 7:39 p.m. Council members in attendance were: Alderman Bill Finucane, Alderman Joyce Stupegia, Alderman Pat Fagan, Alderman Kate Noreiko, Alderman Tony Faivre, and Mayor Jerry Smith. Alderman Mike Verbic was absent.

Alderman David Jacobson arrived 7:43 p.m.

Also present were: City Manager Bill Nicklas, Assistant City Manager Ray Munch, and City Clerk Lynn Fazekas.

The Executive Session was authorized by Council under the following Open Meetings Act exemptions:


Security Procedures as provided for in 5ILCS 120/2(c)(8)

Personnel as Provided for in 5 ILCS 120/2(c)(1)

Pending or Imminent Litigation as provided for in 5ILCS 120/2(c)(11)

However, Pending or Imminent Litigation was not discussed during this Session.

Security:



Personnel: Council discussed the final selection of a firm for legal services. The discussion involved aldermen asking questions of the City Manager about what services are included under the flat fee versus hourly billable services, and giving the direction that annual reviews be written into the three-year contract. Council members then compared the qualities of the finalists, and reached consensus on a preferred provider. *(Released: March 22, 2021)*

Adjournment

MOTION

Alderman Jacobson moved to adjourn the Executive Session at 8:07 p.m. Alderman Finucane seconded.

VOTE

Motion was approved on majority voice vote. Mayor Smith declared the Executive Session adjourned at 8:08 p.m.

LYNN A. FAZEKAS, City Clerk

**MINUTES
CITY OF DEKALB
REGULAR MEETING OF CITY COUNCIL
EXECUTIVE SESSION
MAY 13, 2019**

The City Council of DeKalb, Illinois, held an Executive Session on May 13, 2019, in the Executive Conference Room of the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the Council during its Regular Meeting the same day.

Mayor Smith called the session to order at 8:32 p.m. Council members in attendance were: Alderman Carolyn Morris, Alderman Bill Finucane, Alderman Tracy Smith, Alderman Pat Fagan, Alderman Scott McAdams, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Also present were: City Manager Bill Nicklas, Assistant City Manager Ray Munch, City Clerk Lynn Fazekas, and City Attorney Dean Frieders.

The Executive Session was authorized by Council under the following Open Meetings Act exemptions:

**PENDING OR IMMINENT LITIGATION AS PROVIDED FOR IN 5ILCS 120/2(C)(11)
PERSONNEL AS PROVIDED FOR IN 5 ILCS 120/2(C)(1)
PURCHASE OR LEASE OF REAL PROPERTY AS PROVIDED FOR IN 5 ILCS (120/2)(C)(5)
SALE OR LEASE OF REAL PROPERTY AS PROVIDED FOR IN 5 ILCS (120/2)(C)(6)**

Assistant Manager Munch opened the discussion with pending litigation, a Workers Compensation case involving a fire fighter who had slipped on ice and struck his head. Mr. Munch made a settlement recommendation for Council to consider, then he and City Attorney Frieders answered questions from council members regarding facts and implications of the case. Consensus of Council was to accept the settlement recommendation.

City Manager Nicklas then introduced discussion of the succession of Police Chief Lowery, who has submitted his resignation. Mr. Nicklas has an in-house recommendation but recommended appointment of this officer, the current deputy chief, as interim chief for the time being, due to lack of direct experience and the need for him to prove himself in the spot. Mr. Nicklas suggested an interim appointment of 3-6 months to ascertain whether the appointment should become permanent.

The City Manager noted the impact of the wage adjustment, along with his decision not to fill the deputy chief position. The group decided the City Manager would assess performance of the interim chief at 90 days.

The City Manager also apprised Council of staff in Information Technology and Building & Code whom he feels are underperforming and asked for latitude to explore alternatives. No one objected.

Discussion turned to the possible sale of part of the City property at 912 Edgebrook. A neighboring landlord would like to buy part of the parking lot for expansion. There was concern expressed about increased density; nevertheless, Council consensus was to explore the deal further.

City Manager Nicklas then turned to the possibility of purchasing, for \$1, the building at 164 E. Lincoln, which is owned by DeKalb Park District. The City Manager is exploring the pros and cons of relocating City functions there, including the condition of the building and the remaining leases and tenants; he noted the museum previously housed there is closed. He said the DPD board has met on this and has expressed eagerness to “get out of the landlord business.”

A companion plan would have Council meeting in a particularly spacious and well-equipped meeting room at DeKalb Library, and the City Manager said the executive director there likes the idea. Administrative hearings could move to the police station.

Consensus of Council was to proceed, and the group determined next steps.

Adjournment

MOTION

Alderman Morris moved to adjourn the executive session at 9:27 p.m. Alderman Verbic seconded.

VOTE

Motion was approved on majority voice vote. Mayor Smith declared the executive session adjourned at 9:27 p.m.

LYNN FAZEKAS
City Clerk



Approved: June 10, 2019
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
REGULAR MEETING OF CITY COUNCIL
EXECUTIVE SESSION
MAY 28, 2019**

The City Council of DeKalb, Illinois, held an Executive Session on May 28, 2019, in the Executive Conference Room of the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the Council during its Regular Meeting the same day.

The executive session started at 8:05 p.m. Council members in attendance were: Alderman Carolyn Morris, Alderman Bill Finucane, Alderman Tracy Smith, Alderman Scott McAdams, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Alderman Pat Fagan was absent.

Also present were: City Manager Bill Nicklas, City Attorney Dean Frieders, and City Clerk Lynn Fazekas.

The Executive Session was authorized by Council under the following Open Meetings Act exemptions:

**Personnel as Provided for in 5 ILCS 120/2(c)(1)
Executive Session Meeting Minutes as Provided for in 5 ILCS 120/2(c)(21).**

Under the Personnel heading, City Manager Nicklas announced that Chief Building Official Thaddeus Mack has submitted his letter of resignation, and he proposed that HR Green fill in during the interim. There were no objections to this plan.

Council members then discussed approval of 2019 Executive Session meeting minutes. City Attorney's current recommendation is to approve the 2019 minutes on the next consent agenda, but not to release any minutes at this time.

Alderman Verbic said he's read all of the unreleased minutes. He said he disagreed with not releasing minutes of collective bargaining discussions from 10 years ago, and he asked for the rationale. Attorney Frieders explained why old discussions relating to collective bargaining and property matters might still be relevant currently.

Aldermen voiced support for giving the City Manager, new Council members, and perhaps new legal counsel time to read through the unreleased minutes for themselves.

Adjournment

MOTION

Alderman Finucane moved to adjourn the executive session at 8:23 p.m. Alderman Faivre seconded.

VOTE

Motion was approved on majority voice vote. Mayor Smith declared the executive session adjourned at 8:23 p.m.

LYNN FAZEKAS
City Clerk



Approved: June 22, 2020
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
REGULAR MEETING OF CITY COUNCIL
EXECUTIVE SESSION
JUNE 24, 2019**

The City Council of DeKalb, Illinois, held an Executive Session on June 24, 2019, in the Executive Conference Room of the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the Council during its Regular Meeting the same day.

The executive session started at 7:25 p.m. Council members in attendance were: Alderman Carolyn Morris, Alderman Bill Finucane, Alderman Tracy Smith, Alderman Pat Fagan, Alderman Scott McAdams, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Also present were: City Manager Bill Nicklas, Assistant City Attorney Ray Munch, City Attorney John Donahue, and City Clerk Lynn Fazekas.

Council had authorized the Executive Session under the following exception to the Open Meetings Act:

Executive Session Meeting Minutes as Provided for in 5 ILCS 120/2(c)(21).

Council members discussed when it is appropriate to release Executive Session meeting minutes. The discussion included the large backlog of unreleased minutes, topics such as personnel issues and collective bargaining that can remain sensitive after years and even decades, and practices that could help promote transparency, such as a 20-year release policy.

Following the more general discussion about release, Council came to consensus to release the minutes from 2010-2015 that are recommended for release, and to ask the City Attorney to review the unreleased minutes from 2016-2018.

Adjournment

MOTION

Alderman Faivre moved to adjourn the executive session at 7:43 p.m. Alderman McAdams seconded.

VOTE

Motion was approved on majority voice vote. Mayor Smith declared the executive session adjourned at 7:43 p.m.

LYNN FAZEKAS
City Clerk



Approved: June 22, 2020
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
REGULAR MEETING OF CITY COUNCIL
EXECUTIVE SESSION
JULY 8, 2019**

The City Council of DeKalb, Illinois, held an Executive Session on July 8, 2019, in the Executive Conference Room of the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the Council during its Regular Meeting the same day.

The executive session started at 7:20 p.m. Council members in attendance were: Alderman Carolyn Morris, Alderman Bill Finucane, Alderman Pat Fagan, Alderman Scott McAdams, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Absent was Alderman Tracy Smith.

Also present were: City Manager Bill Nicklas, Assistant City Manager Ray Munch, City Attorney John Donahue, and City Clerk Lynn Fazekas.

Council had authorized the Executive Session under the following exception to the Open Meetings Act:

Purchase or Lease of Real Property as Provided for in 5 ILCS (120/2)(c)(5)

City Manager Nicklas presented an offer he had received regarding property at 155 North Third Street, an old bank, for potential consideration as DeKalb's new city hall. He then answered questions about the age, size, configuration, and tenants of the building.

Concerns were expressed that the real costs of renovation are unknown, while an advantage brought up is the property that the DeKalb Municipal Building sits on is an entire City block that would return to the tax rolls under the deal.

Following discussion, which included comparisons to another property under consideration (Nehring Building), Council members stated they did not wish to pursue the new offer, because the building is much larger than the current DeKalb Municipal Building, almost exactly as old, and there are too many questions about viability.

Adjournment

MOTION

Alderman Verbic moved to adjourn the executive session at 7:45 p.m. Alderman McAdams seconded.

VOTE

Motion was approved on majority voice vote. Mayor Smith declared the Executive Session adjourned at 7:45 p.m.

LYNN FAZEKAS
City Clerk



Approved: June 22, 2020
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
REGULAR MEETING
EXECUTIVE SESSION OF THE CITY COUNCIL
JULY 22, 2019**

The City Council of DeKalb, Illinois, held an executive session on July 22, 2019, in the DeKalb Municipal Building, 200 South Fourth Street, Room 201, DeKalb, Illinois. The executive session was called by a majority vote of the City Council at the Regular Meeting of the same day.

The executive session started at 7:54 p.m. Members of the City Council in attendance were: Mayor Jerry Smith, Councilmember Carolyn Morris, Councilmember Bill Finucane, Councilmember Tracy Smith, Councilmember Pat Fagan, Councilmember Scott McAdams, Councilmember Mike Verbic, and Councilmember Tony Faive.

Also present were: City Manager Bill Nicklas, City Attorney John Donahue, and Assistant City Manager Raymond Munch.

PERSONNEL 5 ILCS 120/2(c)(1) (Released September 9, 2019)

Mayor Smith introduced members of the City Council to a personnel matter involving Executive Assistant/Deputy City Clerk Ruth Scott. Mayor Smith explained that Ms. Scott has fulfilled the role of Deputy City Clerk for approximately five years. Ms. Scott has performed her duties exceptionally well during that time. Recently, Ms. Scott has expressed concerns stemming from her inability to perform her job in an effective and timely manner due to conflicts with the City Clerk, Lynn Fazekas. Manager Nicklas expanded upon this issue and indicated that Ms. Scott has expressed a desire to resign from her employment with the City if working conditions do not improve. Manager Nicklas detailed the conditions described by Ms. Scott, as well as his attempts to mediate the situation between Ms. Scott and Clerk Fazekas. Mr. Donahue described the role of the Clerk and Deputy Clerk as it is written in the Municipal Code and offered options to address this issue and mitigate the concerns of Ms. Scott. Discussion ensued amongst the council members, including evaluation of options to address the working relationship between Clerk Fazekas and Ms. Scott. Mayor Smith suggested that he would be willing to ask for Clerk Fazekas' resignation based on her inability to work with City staff and refusal to allow Ms. Scott to adequately fulfill the duties of Deputy Clerk. Councilmembers supported that decision.

PENDING OR IMMINENT LITIGATION (5 ILCS 120/2(c)(11))

[REDACTED]

ADJOURNMENT

Councilmember Faivre moved to adjourn the executive session; seconded by Councilmember Smith. Motion carried on a voice vote. The closed session adjourned at 9:10 p.m.

RAYMOND MUNCH, Assistant City Manager

**MINUTES
CITY OF DEKALB
REGULAR MEETING OF CITY COUNCIL
EXECUTIVE SESSION
AUGUST 12, 2019**

The City Council of DeKalb, Illinois, held an Executive Session on August 12, 2019, in the Executive Conference Room of the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the Council during its Regular Meeting the same day.

The executive session started at 9:03 p.m. Council members in attendance were: Alderman Carolyn Morris, Alderman Bill Finucane, Alderman Tracy Smith, Alderman Pat Fagan, Alderman Scott McAdams, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Also present were: City Manager Bill Nicklas, Assistant City Manager Raymond Munch, City Attorney Matt Rose, and City Clerk Lynn Fazekas.

Council had authorized the Executive Session under the following exceptions to the Open Meetings Act:

**Personnel as Provided for in 5 ILCS 120/2(c)(1)
Pending or Imminent Litigation as provided for in 5 ILCS 120/2(c)(11)**

However, Council discussed only the Personnel issue.

City Manager Nicklas reviewed recent history of the sudden departure of the Chief Building Official (CBO) and Mr. Nicklas' authorization by Council to test the private market for the services the CBO had provided, which include plan review and coordination of the building department. The City received three responses to the Request for Proposal (RFP) by the June 28 deadline, and all three were interviewed. However, the coordination parts of the package were lacking, so the City Manager advertised separately for a Chief Building Official and received eight responses, out of which he interviewed two candidates. He said he has an idea for a package for the Community Development Department that he would like to bring to a public meeting for consideration.

Mayor Smith asked if there was consensus among Council members to approve of the City Manager's proceeding in such a way, and there was no objection.

Adjournment

MOTION

Alderman Morris moved to adjourn the Executive Session at 9:22 p.m. Alderman Smith seconded.

VOTE

Motion was approved on majority voice vote. Mayor Smith declared the Executive Session adjourned at 9:22 p.m.

LYNN FAZEKAS
City Clerk



Approved: June 22, 2020
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
REGULAR MEETING OF CITY COUNCIL
EXECUTIVE SESSION
SEPTEMBER 9, 2019**

The City Council of DeKalb, Illinois, held an Executive Session on September 9, 2019, in the Executive Conference Room of the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the Council during its Regular Meeting the same day.

The executive session started at 7:54 p.m. Council members in attendance were: Alderman Carolyn Morris, Alderman Bill Finucane, Alderman Tracy Smith, Alderman Pat Fagan, Alderman Scott McAdams, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Also present were: City Manager Bill Nicklas, Assistant City Manager Raymond Munch, City Attorney John Donahue, and City Clerk Lynn Fazekas.

Council had authorized the Executive Session under the following exception to the Open Meetings Act:

**Personnel as Provided for in 5 ILCS 120/2(c)(1),
Pending or Imminent Litigation as provided for in 5ILCS 120/2(c)(11), and
Executive Session Meeting Minutes as Provided for in 5 ILCS 120/2(c)(21).**

Council used both the **Personnel and Pending Litigation** exceptions to discuss possible settlements of two Worker's Compensation cases. Assistant City Manager Ray Munch outlined each case for Council.

The first concerned a police officer who had injured an ankle during a foot chase of a suspect that included climbing a six-foot fence. Mr. Munch gave details of complications. The officer has returned to full duty with no restrictions and the arbitrator has recommended a settlement of \$31,000. Mayor Smith asked whether it was consensus of the Council that negotiation of a settlement of \$31,000 is appropriate. There were no objections.

The second Worker's Comp case was first settled in 2010 with a line-of-duty disability pension. However, medical rights remain open under that case, and the petitioner demands \$138,000 to close the medical rights. Costly medications are involved, probably not causally connected to the original injury, but risk remains with potential total exposure up to \$400,000. Recommended settlement in this case is \$64,000, and Council consensus was to pursue negotiation of that amount.

Executive Session Meeting Minutes. Council discussed the approval and release of the meeting minutes of the part of the July 22 Executive Session that has come under the scrutiny of the Public Access Counselor of the Illinois Attorney General's office for the City's use of the Personnel exception to the Open Meetings Act. Attorney Donahue said that a remedy for a possible Open Meetings Act violation is to release the minutes to the public. He also noted that a release of minutes means anyone can obtain the audio recording of that part of the session under the Freedom of Information Act.

Council discussion centered on whether a release harms or helps the City.

Mayor Smith ascertained there was consensus among Council members to approve the July 22 Executive Session meeting minutes, and to release a portion of them as described above.

Adjournment

MOTION

Alderman Smith moved to adjourn the executive session at 8:22 p.m. Alderman Morris seconded.

VOTE

Motion was approved on majority voice vote. Mayor Smith declared the executive session adjourned at 8:22 p.m.

LYNN FAZEKAS
City Clerk



Approved: June 22, 2020
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
REGULAR MEETING OF CITY COUNCIL
EXECUTIVE SESSION
OCTOBER 14, 2019**

The City Council of DeKalb, Illinois, held an Executive Session on October 14, 2019, in the Executive Conference Room of the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the Council during its Regular Meeting the same day.

The executive session started at 7:32 p.m. Council members in attendance were: Alderman Carolyn Morris, Alderman Bill Finucane, Alderman Tracy Smith, Alderman Scott McAdams, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Also present were: City Manager Bill Nicklas, Assistant City Manager Raymond Munch, City Attorney John Donahue, and City Clerk Lynn Fazekas.

Council had authorized the Executive Session under the following exceptions to the Open Meetings Act:

**Purchase or Lease of Real Property as Provided for in 5 ILCS (120/2)(c)(5).
Pending or Imminent Litigation as provided for in 5ILCS 120/2(c)(11).**

Council first discussed the status of **pending litigation** against Campus Cinema and compared the risks and costs of possible settlement versus going to trial.

Discussion included comparison of assessed value of the property versus the appraised value, necessity, and cost of demolition of the property, the likelihood of prevailing in court, and estimated litigation costs including an appeal. It was noted that the City had begun taking action on this property by imposing fines on the owner.

Two potential settlements were proposed; firstly, one in which the owner would deed the property to the City, and a second in which the City would offer to purchase the property and pay demolition expenses.

Consensus was reached on a preference for trying to settle by offering the first option presented, trying the second settlement option if necessary, and going to court as a last resort.

A discussion of **purchase or lease of real property** began with City Manager Nicklas sharing an aerial map of Lincoln Highway east of the bridge over the Kishwaukee River. He helped the group locate City-owned land used for parking between the strip shopping center next to the river and Tom & Jerry's to its east, and explained this property is leased to the Richoz family, who would now like to acquire it.

Council members discussed the pros and cons of conveying the land. Issues included uncertainty over whether any other use can be made of the property, since a Texaco gas station used to be located there, and its usefulness to the current commercial tenants.

Agreement was reached among the aldermen that the city manager should obtain the fair market value of the property before Council decides what to do with it.

Adjournment

MOTION

Alderman Faivre moved to adjourn the executive session at 8:04 p.m. Alderman Verbic seconded.

VOTE

Motion was approved on majority voice vote. Mayor Smith declared the executive session adjourned at 8:04 p.m.

LYNN FAZEKAS
City Clerk



Approved: June 22, 2020
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
REGULAR MEETING OF CITY COUNCIL
EXECUTIVE SESSION
NOVEMBER 12, 2019**

The City Council of DeKalb, Illinois, held an Executive Session on November 12, 2019, in the Executive Conference Room of the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the Council during its Regular Meeting the same day.

The executive session started at 7:03 p.m. Council members in attendance were: Alderman Carolyn Morris, Alderman Bill Finucane, Alderman Tracy Smith, Alderman Greg Perkins, Alderman Scott McAdams, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Also present were: City Manager Bill Nicklas, Assistant City Manager Raymond Munch, City Attorney John Donahue, and City Clerk Lynn Fazekas.

City Council had authorized the Executive Session under the following exception to the Open Meetings Act:

Purchase or Lease of Real Property as Provided for in 5 ILCS 120/2(c)(5).

City Manager Nicklas shared an aerial photo that he identified as city property along West Lincoln Highway where John Street used to intersect the highway. Mr. Nicklas explained the circumstances: The owner of commercial property west of the public property was not allowed to buy the public property but was permitted to build a parking lot there at his own expense; and in meetings with the City last summer about a lease extension on this property, it came out that he was still interested in taking ownership.

Mr. Nicklas continued that while he did not obtain a formal appraisal, he did talk to commercial appraiser RVG and got a "thumbnail appraisal" of \$3 to \$4 per square foot, which for the 6,180 square feet involved gives a value range of \$18,540 to \$24,720. He recommended a target price of around \$20,000.

Discussion of the property placement and dimensions (60x103), and possible impacts to residential neighbors on John Street immediately to the north, revealed there is not enough area to build a cul de sac there and that a sale would not ruin the potential for a river walk in the future.

No one voiced objections to proceeding with the target price and a survey.

Adjournment

MOTION

Alderman McAdams moved to adjourn the Executive Session at 7:11 p.m. Alderman Verbic seconded.

VOTE

Motion was approved on majority voice vote. Mayor Smith declared the session adjourned at 7:11 p.m.

LYNN FAZEKAS
City Clerk



Approved: June 22, 2020
Released: March 22, 2021

**MINUTES
CITY OF DEKALB
REGULAR MEETING OF CITY COUNCIL
EXECUTIVE SESSION
NOVEMBER 25, 2019**

The City Council of DeKalb, Illinois, held an Executive Session on November 25, 2019, in the Executive Conference Room of the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the Council during its Regular Meeting the same day.

The executive session started at 8:19 p.m. Council members in attendance were: Alderman Carolyn Morris, Alderman Bill Finucane, Alderman Tracy Smith, Alderman Greg Perkins, Alderman Scott McAdams, Alderman Tony Faivre, and Mayor Jerry Smith.

Alderman Mike Verbic was absent.

Also present were: City Manager Bill Nicklas, Assistant City Manager Raymond Munch, City Attorney John Donahue, Interim Police Chief John Petragallo, and City Clerk Lynn Fazekas.

The Executive Session was authorized under the "Personnel" and "Purchase or Lease of Real Property" exemptions to the Open Meetings Act. Both were discussed.

Personnel as Provided for in 5 ILCS (120/2)(c)(1)

City Manager Nicklas described the issue, which is as follows: Mark Nachman, an officer with DeKalb Police for 24 years, developed a life-threatening medical issue nearly a year ago that required immediate surgery. Despite rehabilitation, he has been unable to return to work. He might be approved for a disability pension at 50% of salary, but it would not provide the insurance coverage needed now, and he is not eligible for his full retirement pension until August of 2021. He is requesting, in the interim, hardship retirement assistance under section 3.32 of the DeKalb Municipal Code for the coverage.

Council discussion of whether or not to approve hardship assistance included the following:

- What sort of precedent might be established as contrasted with what's available in the private sector, and what that means from the point of view of fiscal responsibility.
- Whether the specifically risky nature of police work creates an obligation of reciprocity, as well as more general impacts on morale.
- Observations of Detective Nachman's history and current situation, including his exemplary work record and the possibility that he might still be able to return to the job, which would make the question of assistance a moot point.

The city manager said he has been unable to determine whether hardship assistance had ever been granted before.

Mayor Smith noted an apparent consensus to bring the request to Council for a vote.

Purchase or Lease of Real Property as Provided for in 5 ILCS (120/2)(c)(5)

Council discussed an offer made on a small piece of City property at the end of John Street that has been leased for years by a nearby business owner for extra parking for his strip retail center. The business owner has expressed interest in buying the property. Council had previously directed City Manager Nicklas to ask for \$20,000 for the property, based on an informal appraisal. Council was back to consider a counteroffer of \$10,500.

Council discussed property tax implications, as well as previous uses and future potential use of the property, as part of assessing whether the offer is reasonable.

Consensus was to accept the offer of \$10,500.

Adjournment

MOTION

Alderman Faivre moved to adjourn the executive session at 8:41 p.m. Alderman Morris seconded.

VOTE

Motion was approved on majority voice vote. Mayor Smith declared the executive session adjourned at 8:41 p.m.

LYNN FAZEKAS
City Clerk



Approved: June 22, 2020
Released: March 22, 2021



EXECUTIVE-CLOSED SESSION MINUTES INDEX

2020		Recommendation for Release	
		Yes	No
January 13, 2020 (Regular) Approved: June 22, 2020 Released: Pending Audio Destroyed: Pending	Collective Bargaining		X
	Pending or Imminent Litigation		X
January 27, 2020 (Regular) Approved: June 22, 2020 Released: Pending Audio Destroyed: Pending	Pending or Imminent Litigation		X
	Personnel		X
February 10, 2020 (Regular) Approved: March 22, 2021 Released: Pending Audio Destroyed: Pending	Collective Bargaining		X
	Personnel		X
March 9, 2020 (Regular) Approved: March 22, 2021 Released: Pending Audio Destroyed: Pending	Pending or Imminent Litigation		X
May 11, 2020 (Regular) Approved: March 22, 2021 Released: Pending Audio Destroyed: Pending	Personnel		X
May 26, 2020 (Regular) Approved: March 22, 2021 Released: Pending Audio Destroyed: Pending	Personnel		X
June 8, 2020 (Regular) Approved: March 22, 2021 Released: Pending Audio Destroyed: Pending	Pending or Imminent Litigation		X
	Executive Session Minutes		X
July 13, 2020 (Regular) Approved: March 22, 2021 Released: Pending Audio Destroyed: Pending	Collective Bargaining		X
July 27, 2020 (Regular) Approved: March 22, 2021 Released: Pending Audio Destroyed: Pending	Pending or Imminent Litigation		X
	Purchase or Lease of Real Property		X
	Real Estate		X
September 28, 2020 (Regular) Approved: March 22, 2021 Released: Pending Audio Destroyed: Pending	Personnel		X
	Pending or Imminent Litigation		X
November 9, 2020 (Regular) Approved: March 22, 2021 Released: Pending Audio Destroyed: Pending	Personnel		X
	Pending or Imminent Litigation		X
November 23, 2020 (Regular) Approved: March 22, 2021 Released: Pending Audio Destroyed: Pending	Collective Bargaining		X
December 14, 2020 (Regular) Approved: March 22, 2021 Released: Pending Audio Destroyed: Pending	Collective Bargaining		X



EXECUTIVE-CLOSED SESSION MINUTES INDEX

2021		Recommendation for Release	
		Yes	No
January 11, 2021 (Regular) Approved: March 22, 2021 Released: Pending Audio Destroyed: Pending	Pending or Imminent Litigation		X