

**MINUTES  
CITY OF DEKALB  
REGULAR MEETING  
JANUARY 23, 2017**

The City Council of DeKalb, Illinois held a Regular City Council meeting on January 23, 2017 in the City Council Chambers of the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois.

Mayor Rey called the meeting to order at 6:40 p.m.

**A. ROLL CALL**

City Clerk Jennifer Jeep Johnson called the roll, and the following members of the City Council were present: Alderman Dave Jacobson, Alderman Bill Finucane, Alderman Michael 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, Assistant City Manager Patty Hoppenstedt, Finance Director Cathy Haley, Police Chief Gene Lowery, Fire Chief Eric Hicks, Community Development Director Jo Ellen Charlton, Interim Principal Planner Dan Olson, Economic Development Planner Jason Michnick, Public Works Director Tim Holdeman, Streets Superintendent Mark Espy, Transportation Planner Brian Dickson, Information Technology Director Marc Thorson, I&T Technician Jeff Birtell, and City Clerk Jennifer Jeep Johnson.

**B. PLEDGE OF ALLEGIANCE**

Police Officer Jordan Poulos led the Pledge of Allegiance.

**C. APPROVAL OF THE AGENDA—ADDITIONS/DELETIONS**

Items F.3. and F.5. were removed from Consent Agenda.

**MOTION**

Alderman Finucane motioned to approve the agenda as modified; seconded by Alderman Marquardt.

**VOTE**

Motion carried on an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey. Mayor Rey declared the motion passed.

**D. PUBLIC HEARINGS**

There were none scheduled.

**E. SPECIAL ITEMS OR PRESENTATIONS & CITIZEN'S COMMENTS**

1. Special Items

a. Proudly DeKalb

- Allstate Foundation Award Presentation of \$1,000 Checks to the Fire and Police Departments on Behalf of the Patrick Allstate Agency.

Fire Chief Hicks introduced the group who presented both the Fire and Police Departments with a \$1,000 check.

2. Presentations

There were none.

3. Approval of the Mayor's Appointments

There were none.

4. Public Participation

Gladys Sanchez, a graduate student of the Northern Illinois University MPA program, stated she had received a grant through the Kate Tyson fund in order to empower youth. She invited the Council to an event on March 11, 2017 from 9:30 a.m. to 12:30 p.m. as a follow up to the first event.

**F. CONSENT AGENDA – OMNIBUS VOTE**

1. Approval of City Council Minutes

There were none.

2. Receive & File

- a. Accounts Payable and Payroll through January 23, 2017 in the Amount of \$3,887,622.73.
- b. 2016 Fee Waivers.

3. This item was removed from the Consent Agenda and is discussed below under Items for Separate Action.

4. Resolution 2017-023 Authorizing an Amended FY2016.5 Tax Increment Financing Agreement with Barb City Manor, Inc. for Facility Improvements at the

Property Located at 680 Haish Boulevard in the Amount of \$60,000 Beginning July 1, 2016 through December 31, 2016.

5. This item was removed from the Consent Agenda and is discussed below under Items for Separate Action.
6. Resolution 2017-025 Authorizing a FY2017 Tax Increment Financing Agreement with Barb City Manor, Inc. in an Amount Not to Exceed \$100,000 for Improvements to Property Located at 680 Haish Boulevard.
7. Resolution 2017-026 Authorizing a FY2017 Funding Agreement with the DeKalb Chamber of Commerce in the Amount of \$45,000 for the Purpose of Facilitating Community Events Beginning January 1, 2017 through December 31, 2017.
8. Resolution 2017-027 Authorizing a FY2017 Funding Agreement with the DeKalb County Economic Development Corporation in the Amount of \$45,000 for Economic Development Services Beginning January 1, 2017 through December 31, 2017.
9. Resolution 2017-028 Authorizing a FY2017 Tourism Agreement with the DeKalb County Convention and Visitors Bureau in the Amount of \$50,000 for Tourism Activities Beginning January 1, 2017 through December 31, 2017.

#### MOTION

Alderman Noreiko moved to approve the Consent Agenda, as amended; seconded by Alderman Marquardt.

#### VOTE

Motion carried on an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey. Mayor Rey declared the motion passed.

#### MOTION

Alderman Snow moved to approve the items listed on the Consent Agenda; seconded by Alderman Marquardt.

#### VOTE

Motion carried on an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker Faivre, Rey. Mayor Rey declared the motion passed.

**G. ITEMS FOR SEPARATE ACTION**

- F.3. Approval in Omnibus Form of Resolutions 2017-012 KishHealth System Behavioral Health Services (Ben Gordon Center-DCP/SAFE); Resolution 2017-013 KishHealth System Behavioral Health Services (Ben Gordon Center-Discovery House); Resolution 2017-014 Community Coordinated Child Care; Resolution 2017-015 DeKalb County Youth Bureau; Resolution 2017-016 Elder Care Services; Resolution 2017-017 Family Service Agency; Resolution 2017-018 Hope Haven; Resolution 2017-019 KishHealth System Hospice; Resolution 2017-020 Nguzo Saba Men's Club; Resolution 2017-021 Safe Passage; and Resolution 2017-022 Voluntary Action Center, Authorizing Human Services Agreements for Human Services Funding Beginning January 1, 2017 through December 31, 2017 in the Amount of \$150,000.

**MOTION**

Alderman Noreiko moved to consider Resolutions 2017-012 through 2017-022 as listed above; seconded by Alderman Finucane.

Alderman Jacobson wondered whether each group fulfilled their annual requirements with regard to reporting with Council. Community Development Director Charlton said that not everyone had, but overall everyone is scheduled to, or is wrapping up their prior fiscal year.

Alderman Jacobson stated that Ben Gordon and KishHealth System are no longer locally owned, which warrants a reexamination of the City's funding, adding that if they are taken off of the list, which group would make sense to add to the list in their place. He suggested implementation of a review process.

Alderman Baker said that if the agencies are not in compliance, they shouldn't get the funding from the City. He believes Council should withhold money from the groups until they are in compliance with the expectations.

Mayor Rey suggested that no disbursements be made until the requirements are fulfilled, which Alderman Noreiko seconded.

**VOTE**

Motion carried on an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey. Mayor Rey declared the motion passed.

- F.5. Resolution 2017-024 Authorizing a FY2017 Tax Increment Financing Agreement with Preservation of the Egyptian Theatre for Facility Improvements to the Egyptian Theatre in an Amount Not to Exceed \$133,871 Beginning January 1, 2017 through December 31, 2017.

MOTION

Alderman Snow moved to consider Resolution 2017-024; seconded by Alderman Marquardt.

Alderman Jacobson offered that funds should be held off until a greater picture of the plan regarding the Theatre can be formed.

Alderman Finucane inquired as to the discrepancy in the numbers in the backup, with Economic Development Planner Michnick explaining that some funds have roll-over amounts included.

Brief discussion ensued as to the funds dispersed.

VOTE

Motion carried on a 7-1 roll call vote. Aye: Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey. Nay: Jacobson. Mayor Rey declared the motion passed.

1. Ordinance 2017-001 Adopting 2015 International Building Codes and Amendments to Chapter 24 "Building Code". (*Second Reading*)

MOTION

Alderman Finucane moved to consider Ordinance 2017-001; seconded by Alderman Noreiko.

Community Development Director Charlton provided background on this item, and provided the changes made since the last reading.

Brief discussion ensued as to particular items.

Alderman Jacobson wondered whether there has been any discussion regarding sprinklers for boarding houses, with Community Development Director Charlton stating the first priority is to ensure the safety of the individuals within the house.

City Manager Gaura stated that a discussion should be coming forward in the next 10 months on some of the particulars.

Chuck Shepard stated that the Building Code Board of Appeals was very careful to discuss only new construction, and did not address boarding houses, etc.

City Manager Gaura stated there would be an investigation to better understand what can be placed and how the City can help facilitate compliance with State standards.

Further brief discussion ensued as to the building code.

## VOTE

Motion carried on a 7-1 roll call vote. Aye: Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey. Nay: Jacobson. Mayor Rey declared the motion passed.

2. Ordinance 2017-004 Amending Chapter 23 "Unified Development Ordinance", Chapter 44 "Landmark Commission", and Chapter 48 "Design Review Committee" Regarding Design Requirements for New Residential Construction. *(First Reading)*

## MOTION

Alderman Noreiko moved to consider Ordinance 2017-004; seconded by Alderman Faivre.

Interim Principal Planner Olson provided background on this item, taking Council through the amendment. He added that the Planning & Zoning Commission recommended approval on a 5-0 vote. This item requires a 2/3 supermajority vote.

## VOTE

Motion carried on an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey. Mayor Rey declared the motion passed.

3. Resolution 2017-029 Authorizing an Architectural Improvement Program (AIP) Economic Incentive for Samuel & Nuk, Inc., 251-255 East Lincoln Highway.

## MOTION

Alderman Marquardt moved to consider Resolution 2017-029; seconded by Alderman Snow.

Economic Development Planner Michnick provided background information on this item. He provided the anticipated improvements to the building and explained that the project will allow the petitioner to increase his seating capacity.

Alderman Noreiko asked whether Urban Grace's window would be replaced. Economic Development Planner Michnick provided background on this incident.

City Attorney Frieders pointed out that changes to this process have been made to include working with the petitioner to make more comprehensive changes, rather than superficial exterior improvements.

Mayor Rey acknowledged the owner's contribution to the City.

## VOTE

Motion carried on an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey. Mayor Rey declared the motion passed.

4. Resolution 2017-030 Authorizing the Purchase of a Johnston RT655 Regenerative Air Street Sweeper from Wm. Nobbe & Co. in an Amount Not to Exceed \$211,372.

## MOTION

Alderman Noreiko moved to consider Resolution 2017-030; seconded by Alderman Finucane.

Public Works Director Holdeman provided background on this item, stating it's a budgeted item from the previous fiscal year. He explained that it will replace the 1999 street sweeper currently in use, which is well beyond its expected life, and has become unreliable. He explained that the older model also puts personnel at risk by virtue of its design.

Public Works Director Holdeman provided additional information as to why this particular model was selected, including that it is very efficient at removing fine matter. Additionally, it effectively removes particulate from manholes. It operates at about twice the speed of the current machine, and can be driven at the speed limit to return to the shop.

Alderman Jacobson wondered why the trade-in value was so low, and whether it might be more effective to keep it for parts. Streets Superintendent Espy said that Council could certainly decide to do that.

Brief discussion ensued.

## MOTION TO AMEND

Alderman Jacobson moved to raise the authorized purchase price by an amount of \$5,000.00; seconded by Alderman Baker.

Alderman Finucane stated that it is not always fiscally responsible to keep a machine for parts, and trade-in is the most useful way to get rid of it.

Alderman Baker asked whether the parts could be used on the new machine. Further discussion ensued.

Alderman Snow said it's an appropriate course to allow for possibly keeping the machine for parts rather than using it for a trade-in credit, but wanted to make sure that it wasn't a mandate, but retained as an option.

Further brief discussion ensued.

Brief further discussion ensued as to how the street sweepers work.

VOTE (AMENDED MOTION)

Motion carried on a 7-1 roll call vote. Aye: Jacobson, Marquardt, Snow, Noreiko, Baker, Faivre, Rey. Nay: Finucane. Mayor Rey declared the motion passed.

VOTE

Motion carried on an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey. Mayor Rey declared the motion passed.

## **H. NEW OR UNFINISHED BUSINESS**

1. Request for Proposal for the Public Safety Server and Storage System.

MOTION

Alderman Faivre moved to consider the Request for Proposal for the Public Safety Server and Storage System; seconded by Alderman Marquardt.

Information Technology Director Thorson provided information on this RFP. He highlighted the additional pieces of information from the last RFP, as well as additional steps of the process. He explained that the City is in a storage crunch, and this RFP would address those concerns.

Mayor Rey asked whether there is room for growth, and how the use of body cameras will affect the storage capacity. Information Technology Director Thorson explained this is a starting point for a vendor, but there could be expansion capabilities considered by a bidder.

Alderman Noreiko asked what process changes have been made, with the response being there will be a pre-proposal meeting, and that no questions will be answered by email.

Alderman Faivre inquired into the disaster preparedness component. Information Technology Director Thorson provided additional information.

VOTE

Motion carried on an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey. Mayor Rey declared the motion passed.

2. Request for Proposal to Perform 2017 Traffic Counts in the DeKalb Urbanized Area for the DeKalb Sycamore Area Transportation Study.

#### MOTION

Alderman Finucane moved to consider the Request for Proposal to Perform 2017 Traffic Counts in the DeKalb Urbanized Area for the DeKalb Sycamore Area Transportation Study.

Transportation Planner Dickson provided background information on this item.

#### VOTE

Motion carried on an 8-0 roll call vote. Aye: Jacobson, Finucane, Marquardt, Snow, Noreiko, Baker, Faivre, Rey. Mayor Rey declared the motion passed.

3. Discussion of City Ordinance Fines for Possession of Cannabis and Drug Paraphernalia.

City Attorney Frieders introduced the topic. He addressed whether the City could legalize marijuana per prior Council directed inquiry, with the answer being that the City does not have the authority to do so, as State, County, and Federal regulations would still be in place. He stated that this remains an area of statewide concern. He also highlighted that there are safety concerns with legalizing marijuana.

City Attorney Frieders also addressed whether the City could provide automatic expungement, stating he doesn't recommend this, as the record serves as an important point of contact with an individual, as well as creating a liability for the City, and a huge burden across many departments. Further, the Circuit Clerk's Office would still maintain their records, so it wouldn't be a complete process.

City Attorney Frieders also addressed whether the fines should be reduced, which he found appropriate. However, there is a correlation between sales and more serious crimes. He highlighted the recommendations that were presented previously.

City Attorney Frieders introduced Kari Mika of the Ben Gordon Center. She explained that marijuana is one of the most commonly used illicit drugs. She provided a comprehensive overview of marijuana and how it affects the brain.

Alderman Jacobson interjected Ms. Mika's presentation to ask why an examination of how cannabis relates to health was being made, when what was being discussed was the issue of fines.

City Attorney Dean Frieders explained why it is important to consider the health aspects when legislating as it relates to health, welfare and safety.

Discussion ensued.

Police Chief Lowery stated that if the City's elected officials don't have a stake in the morality of the community, it's in bad shape. No contemporaries are recommending changes to codes at this time. He added that the recommendation is to leave the fines in place so as not to take away tools from the Police Officers who are working to keep the community safe.

Dewayne Brown expressed his optimism regarding President Trump. He also expressed that the City should lower fines for marijuana infractions. He is in favor of legalization.

Alderman Noreiko expressed favor for the three tiered structure for fines.

Further brief discussion ensued.

## **I. REPORTS—COMMUNICATIONS**

Alderman Marquardt extended sympathy to the family of the DeKalb High School student who died in a car crash earlier in the week.

Alderman Snow asked citizens to come forward regarding the Egyptian Theatre.

City Manager Gaura congratulated Alderman Finucane for being inducted into the DeKalb Chamber of Commerce Hall of Fame. She also reported that the Kishwaukee Kiwanis Club was hosting a talent show, with auditions taking place on Saturday January 28<sup>th</sup> from 9:00 a.m. to 12:00 p.m. More information is included on their website. The show will be held on April 1<sup>st</sup> at 7:30 p.m. at the Egyptian Theatre.

Fire Chief Hicks stated that the new ambulances will be available sometime in February for viewing.

City Attorney Dean Frieders provided an overview of the Attorney General Opinion on the Open Meetings Act.

Community Development Director Charlton reported that the Planning & Zoning Commission would be meeting on January 25<sup>th</sup> regarding an amendment for special use for the proposed Sonic project.

Public Works Director Holdeman reported that citizens should call (815) 748-2040 to report pot holes.

**J. RECESS FOR EXECUTIVE SESSION**

1. Approval to Hold an Executive Session to Discuss Personnel as Provided for in 5 ILCS 120/2(c)(1).
2. Approval to Hold an Executive Session to Discuss Purchase or Lease of Real Property as Provided for in 5 ILCS 120/2(c)(5).
3. Approval to Hold an Executive Session to Discuss Pending or Imminent Litigation as Provided for in 5 ILCS 120/2(c)(11).

None of the Executive Session citations listed above were acted on.

**K. ADJOURNMENT**

MOTION

Alderman Jacobson motioned to adjourn; seconded by Alderman Marquardt.

VOTE

Motion carried on an 8-0 voice vote. Mayor Rey declared the meeting adjourned at 9:00 p.m.

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**JENNIFER JEEP JOHNSON, City Clerk**

Approved by City Council: February 27, 2017.