



**DEKALB CITY COUNCIL AGENDA
REGULAR MEETING
January 24, 2022
6:00 P.M.**

DeKalb Public Library
Yusunas Meeting Room
309 Oak Street
DeKalb, Illinois 60115

COVID-19 Notice: The corporate authorities of the City of DeKalb intend to conduct this meeting in-person with a physically present quorum that is open to the public and in compliance with all applicable public health requirements. Pursuant to Governor Pritzker's Executive Orders 22-01 and 22-04, all persons attending this meeting who are age two or over and able to medically tolerate a face covering (a mask or cloth face covering) shall be required to wear protective face masks/coverings.

A. CALL TO ORDER AND ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF THE AGENDA

D. PRESENTATIONS

None.

E. PUBLIC PARTICIPATION

F. APPOINTMENTS

- 1. Appointment of Finance Director Carrie Dittman to the Foreign Fire Insurance Tax Board, the Fire Pension Board, and the Police Pension Board.**
- 2. Appointment of Acting Fire Chief Mike Thomas and City Manager Bill Nicklas as Management Representatives to the Ground Emergency Medical Transportation (GEMT) Committee as per Section 6.1,G of the City and IAFF Local 1236 Collective Bargaining Agreement.**

G. APPROVAL OF THE MINUTES

- 1. Minutes Submitted by the City Clerk – None.**
- 2. Minutes Submitted by the Recording Secretary**
 - a. [Minutes of the Regular City Council Meeting of January 10, 2022.](#)**

H. CONSENT AGENDA

1. [Accounts Payable and Payroll through January 24, 2022, in the Amount of \\$2,404,788.39.](#)
2. [Investment and Bank Balance Summary through November 2021.](#)
3. [Year-to-Date Revenues and Expenditures through November 2021.](#)
4. [Freedom of Information Action \(FOIA\) Report – December 2021.](#)
5. **FY2021 Human Services Funding Report – Fourth Quarter.** Each agency approved for Human Services Funding is required to submit a quarterly report prior to disbursement of the City's quarterly support payment. Quarterly Reports are due on the 10th of the month following the end of each quarter. The required report must include a brief description of activities undertaken with City funds, the number of DeKalb residents served, the total number of clients served, and other agency revenues received.

For the Fourth Quarter, FY2021, the majority of grantees submitted their reports on time. Two agencies had already completed their projects for the year (Nguzo Saba Men's Club Summer Basketball Program and Kishwaukee YMCA Camp Power) and had no new service data to report. Three grantees did not submit their information by the deadline. A reminder was sent to all agencies on the due date requesting the timely submission of the required reports.

The attached report prepared by Community Services Coordinator Joanne Rouse provides an overview of how funds provided by the City support each agency. It includes the total number of residents served in FY 2021 and a cost of service per person per agency. There is also a cost of service per resident that is averaged across all grants.

For FY 2021, the City's \$150,000 investment provided services to a duplicated count of 28,702 residents. It is important to note that residents can be counted each time they come to an agency for services and a single resident can access services at several different agencies per quarter. For example, an elderly resident could receive services from Elder Care Services (money management), DeKalb County Community Gardens (food), Family Service Agency (Club 55 activities) and the Voluntary Action Center (transportation) one or more times during the same quarter. It is also notable that the total number of residents served this year is substantially less than in prior years. Because of the pandemic, many residents continued to be hesitant to participate in some services and several agencies were closed for in-person activities for most of 2021. People were also tired of remote services (Zoom fatigue) and dropped out. It will be interesting to monitor numbers moving forward into 2022 as the pandemic continues.

The average annual cost of all services provided in 2021 was \$5.23 per person. The City's investment in Human Services supports many residents in need and contributes to an enhanced quality of life for those who require the funded assistance. ([click here for additional information](#))

I. PUBLIC HEARINGS

1. Public Hearing Regarding the Proposed Annexation of a .68 Acre Property Located Along the North Side of Barber Greene Road, Approximately 180 Feet West of County Farm Road, Commonly Known as 2616 Barber Greene Road (Arista Residences).

City Manager's Summary: This public hearing regards a petition by American National Bank Trust #2179 as owner, Herb and Linda Buhr as Trustee, and Pappas Development represented by Foti Pappas as petitioner, requesting the annexation of a .68-acre property located along the north side of Barber Greene Road, approximately 180 feet west of County Farm Road.

The 1.8-acre site that once contained the former Buhr's Landscaping and Lawn Care business consists of several parcels. The western parcel is .68 acres and is currently within unincorporated DeKalb County. The applicant has submitted a petition to annex the property. According to the City's Unified Development Ordinance ("UDO"), property annexed to the City is automatically zoned "SFR1" Single-Family Residential upon annexation, so the applicant has requested a rezoning of the .68 acres from the "SFR1" District to "PD-R", Planned Development-Residential District. The eastern 1.1 acres is zoned "GC" General Commercial District and the petitioner requests a rezoning of that parcel to a "PD-R" classification to unify the site under a common zoning.

The present owners of the property, Herb and Linda Buhr, note the site has been for sale for 18 years and the business has been closed for about two years.

The proposed Arista Residences will include 61 one-bedroom, fully-furnished apartment units with 12+ month leases. The units will comprise about 700 sq. ft. and the estimated monthly rent will be \$1,350. Amenities will include a hotel-style lobby, hospitality room, business center, full gym and EV charging stations. There will be no commercial uses in the building.

Three points of access are proposed to the subject site. A right-in/right-out access is proposed along Barber Greene Road, which is under the jurisdiction of the DeKalb County Highway Department. The County has preliminarily approved the access. A full access is planned off County Farm Road, which is a City street. A third access point is proposed at an existing access road along the north side of the property. The private east-west drive is owned by the Northland Plaza Shopping Center, but the owner of the subject property has had the right to access the drive according to a license dating to 2004.

Adequate public services will be provided to the subject property. A detention basin is proposed at the north end of the site. An existing 16" sanitary sewer running through the property will be relocated to the perimeter of the site and will connect sewer service to the building. A sidewalk will be constructed along Barber Greene Road to connect to existing walkways to the west and east. Landscaping is to be provided around the perimeter of the site and in parking lot islands, per the UDO requirements.

The parking formula for 1-bedroom apartments is 1.5 spaces for every unit. The 61 apartment units will result in 92 required parking spaces. The plan shows 56 covered parking spaces and 36 uncovered spaces for a total of 92. The covered spaces are at the

perimeter of the site and will consist of roof-only carports (see images in Agenda background).

The proposed plans were distributed to the various City departments, the Kishwaukee Water Reclamation District (KWRD), DeKalb Park District and DeKalb School District. The site is already annexed to the KWRD and the petitioner has communicated with the District on the required fees and permits. Additionally, the City Engineer is satisfied with the preliminary engineering plans. More detailed stormwater calculations will be provided with the final engineering plans.

Final engineering plans, a final plat, and a photometric plan satisfying the UDO requirements will be reviewed by the Planning and Zoning Commission and City Council prior to any building permits is issued. ([click here for additional information](#))

J. CONSIDERATIONS

None.

K. RESOLUTIONS

1. **Resolution 2022-012 Authorizing the Waiver of Competitive Bidding and Approving the Purchase of Water Meters and Radio Transmitters from Badger Meter Inc. and Core & Main in an Amount Not to Exceed \$80,000.**

City Manager's Summary: The Utilities Division has budgeted \$80,000 for the purchase of water meters as part of the FY2022 budget under line item 620-00-00-85100. The Utilities Division uses a drive-by meter radio system to gather meter reads from over 11,000 water meters currently in use.

Meters, meter radio transmitters, mobile drive-by reading equipment, and utility billing software applications are specific to each meter company. Of the \$80,000 budgeted for FY2022, approximately \$60,000 would be spent on purchases of Badger water meters and Orion radio devices, and the remaining \$20,000 would be spent on Sensus brand water meters purchased through a local distributor, Core & Main.

Badger water meters purchased directly through the Badger Manufacturer, as well as Sensus Meters obtained through their distributor Core & Main, allow for a direct connection of the Orion radio transmitter to the meter without any modification. Most meters within the city are Badger meters; however, the design of the Sensus meter at times is better suited than that of the Badger for many large meter applications of six inches in size or greater.

Because of the City's prior commitment to the Badger/Sensus "infrastructure" and the strong performance of that equipment, the Assistant Public Works Director for Utilities and Transportation has requested a waiver of competitive bidding and the award of the annual meter replacement contract to Badger Meter and Core & Main in an amount not to exceed \$80,000.

City Council approval is recommended. ([click here for additional information](#))

2. Resolution 2022-013 Authorizing the Purchase and Equipping of One Police Interceptor Vehicle through Morrow Brothers Ford for the DeKalb Police Department in an Amount Not to Exceed \$46,585.

City Manager's Summary: Recently, the engine in Police squad car #334, a 2017 Ford Explorer with over 138,000 miles, experienced a catastrophic coolant issue. The trained mechanics at Brad Manning Ford have concluded that the engine is damaged beyond repair because the failure involved the mixing of oil and coolant throughout the engine. The engine replacement would likely exceed \$7500 and additional work on the coolant system is needed.

Police squad car #334 is a front-line, fully-marked and fully-equipped patrol car and has been essential to Patrol operations. Ideally, the vehicle would have served for another year when its replacement was planned. Considering the age of the vehicle, its road miles, and its current condition, a replacement is needed now.

Deputy Police Chief Jason Leverton has found a commitment from Morrow Brothers Ford of Greenfield, IL to match the Illinois Central Management Services contract and the NWMC Suburban Purchasing Cooperative bid for one 2021 Ford Explorer Police Interceptor. Morrow Brothers Ford can supply a vehicle that meets the City of DeKalb Police specifications for use in its front-line fleet for patrol services. This method of contract pricing meets or exceeds the State of Illinois public bidding requirements and complies with the City's Purchasing Manual.

Due to the concurrent arrival of both 2021 and 2022 models, Morrow Brothers Ford has stated that if the supplied vehicle ends up being a 2022 model, they will honor the 2021 price.

City Council approval of the Morrow Brothers bid in an amount not to exceed \$46,585 in base vehicle price plus upfitting is recommended. ([click here for additional information](#))

L. ORDINANCES – SECOND READING

None.

M. ORDINANCES – FIRST READING

1. Ordinance 2021-005 Amending Chapter 38 “Intoxicating Liquors”, Section 38.09 “Restrictions Generally Applicable”, as it Pertains to the Delivery of Liquor.

City Manager's Summary: The attached ordinance updates the DeKalb Municipal Code in accordance with recent state legislative enactments.

The revisions to Section 38.09(c) are required by the new State law (235 ILCS 5/5-1(d)) that allows the home delivery of alcohol and preempts home rule. The proposed revisions copy the new State law, except for the part that imposes strict liability on the liquor licensee for a third-party contractor's Code violations. The Council will recall that the City of DeKalb extended provisional package liquor licenses for the home delivery of alcohol (beer and wine) on March 23, 2020 (Ord. 2020-017) to help offset the adverse impact of restaurant

and bar closures imposed by the Governor’s executive order of March 15, 2020. The State legislature has now codified that guidance.

The revisions for the new Section 38.09(z) mirror the State law (235 ILCS 5/6-28.8) that permits the delivery and carry out of mixed drinks. That State law is scheduled to be repealed on January 3, 2024. The State law does not pre-empt home rule, which means the City could adopt more or less restrictive regulations than the State law. However, in April 2020, the City allowed the sale of “growlers” in containers with screw-on lids and tamper-proof seals, as well as margaritas with full meals to go, with no record of illegal sales.

City Council approval is recommended. [\(click here for additional information\)](#)

2. Ordinance 2022-006 Authorizing a Reimbursement in the Amount of \$269,741.17 to Northern Illinois University for the Overpayment of 2021 in Annual Contributions for Integrated Transit Services.

City Manager’s Summary: The approval of this Ordinance authorizes the City to issue a reimbursement to Northern Illinois University (NIU) for the overpayment of their 2021 annual contribution for integrated transit services in an amount of \$269,741.17.

In October 2018, the Council approved an intergovernmental agreement between the City of DeKalb and Northern Illinois University, requiring an NIU contribution of 40% of the total costs for the newly-combined fixed route and dedicated paratransit services in DeKalb. As a result of the ongoing COVID-19 pandemic, the actual fixed route and paratransit service costs for 2021 did not reach the budgeted costs for the service that were projected in the Transportation Fund (Fund 200). The possibility this might happen was anticipated in the fall of 2020 when the FY2021 Budget was prepared. Although the City and NIU pegged the NIU 2021 transit contribution to levels of service that would hopefully develop in a non-pandemic environment, both parties recognized an overpayment might occur. The table that follows spreads the actual experience for 2021 against the projected Budget numbers:

Month	Budget	Actual	NIU Payment	Difference
January	\$174,316.95	\$151,348.87	\$229,408.27	\$78,059.40
February	\$186,373.62	\$153,935.75	\$229,408.27	\$75,472.52
March	\$188,715.70	\$129,364.03	\$229,408.27	\$100,044.24
April	\$194,590.43	\$133,566.58	\$229,408.27	\$95,841.69
May	\$152,056.92	\$114,923.15	\$229,408.27	\$114,485.12
June	\$136,283.14	\$111,672.14	\$229,408.27	\$117,736.13
July	\$138,283.14	\$129,929.56	\$229,408.27	\$99,478.71
August	\$157,767.04	\$155,145.11	\$229,408.27	\$74,263.16
September	\$194,590.43	\$192,516.97	\$229,408.27	\$36,891.30
October	\$196,438.15	\$186,731.88	\$0	-\$186,731.88
November	\$186,349.76	\$179,503.90	\$0	-\$179,503.90
December	\$158,333.08	\$156,295.32	\$0	-\$156,295.32
TOTAL	\$2,064,674.41	\$1,794,933.26	\$2,064,674.41	\$269,741.17

The City Manager recommends the requested reimbursement from Fund 200. [\(click here for additional information\)](#)

3. Ordinance 2022-007 Authorizing the Annexation of Certain Property to the City of DeKalb Located Along the North Side of Barber Greene Road, Approximately 180 Feet West of County Farm Road Commonly Known as 2616 Barber Greene Road (Arista Residences).

City Manager's Summary: As noted in the Public Hearing portion of this Agenda, Pappas Development is interested in redeveloping the former Buhr's Landscaping and Lawn Care site on Barber Greene Road. The overall site contains 1.8 acres; of that land area a parcel of about .68 acres is currently within unincorporated DeKalb County. The applicant has submitted a petition to annex the property.

According to the City's Unified Development ordinance (UDO), property annexed to the City is automatically zoned "SFR1" Single-Family Residential upon annexation, so the applicant has requested a rezoning of the .68 acres from the "SFR1" District to "PD-R", Planned Development-Residential District. The eastern 1.1 acres is zoned "GC" General Commercial District and the petitioner has also requested a rezoning of that parcel to "PD-R" District to unify the site under a common zoning.

The present owners of the property, Herb and Linda Buhr, note the site has been for sale for 18 years and the business has been closed for about two years.

The proposed Arista Residences by Pappas Development will include 61 one-bedroom, fully-furnished apartment units with 12+ month leases. The units will comprise about 700 sq. ft. and the estimated monthly rent will be \$1,350. Amenities will include a hotel-style lobby, hospitality room, business center, full gym and EV charging stations. There will be no commercial uses in the building.

Three points of access are proposed to the subject site. A right-in/right-out access is proposed along Barber Greene Road, which is under the jurisdiction of the DeKalb County Highway Department. The County has preliminarily approved the access. A full access is planned off County Farm Road, which is a City street. A third access point is proposed at an existing access road along the north side of the property. The access is this private east-west drive which is owned by the Northland Plaza Shopping Center was extended to the owner of the subject property by a license dating to 2004.

Adequate public services will be provided to the subject property. A detention basin is proposed at the north end of the site. An existing 16" sanitary sewer running through the property will be relocated to the perimeter of the site and will connect sewer service to the building. A sidewalk will be constructed along Barber Greene Road to connect to existing walkways to the west and east. Landscaping is to be provided around the perimeter of the site and in parking lot islands, per the UDO requirements.

The parking formula for 1-bedroom apartments is 1.5 spaces for every unit. The 61 apartment units will result in 92 required parking spaces. The plan shows 56 covered parking spaces and 36 uncovered spaces for a total of 92. The covered spaces are at the perimeter of the site and will consist of roof-only carports (see the images in the Agenda background).

The proposed plans were distributed to the various City departments, the Kishwaukee Water Reclamation District (KWRD), Park District and School District. The site is already annexed to the KWRD and the petitioner has communicated with the District on the

required fees and permits. The City Engineer is satisfied with the preliminary engineering plans. More detailed stormwater calculations will be provided with the final engineering plans.

Final engineering plans, a final plat, and photometric plan meeting the UDO requirements will be reviewed by the Planning and Zoning Commission and City Council prior to any building permits being issued.

City Council approval is recommended. ([click here for additional information](#))

4. Ordinance 2022-008 Authorizing a Zoning Map Amendment from the “SFR1” Single Family Residential District to the “PD-C” Planned Development – Residential District and a Zoning Map Amendment from the “GC” General Commercial District to the “PD-R” Planned Development – Residential District, and Approval of a Preliminary Plan (2616 Barber Greene Road and 1383 Barber Greene Road (Arista Residences)).

City Manager’s Summary: If the Council approves the annexation of the former Buhr Landscaping site, the property will need to be rezoned to legally support the fully-furnished apartment uses contemplated by Pappas Development. According to the City’s Unified Development Ordinance (UDO), property annexed to the City is automatically zoned “SFR1” Single-Family Residential upon annexation, so the applicant has requested a rezoning of the .68 acres from the “SFR1” District to “PD-R”, Planned Development-Residential District. The eastern 1.1 acres is zoned “GC” General Commercial District and the petitioner has also requested a rezoning of that parcel to “PD-R” District to unify the site under a common zoning.

Additionally, a waiver is requested for a Planned Development under two acres. The subject site is 1.78 acres. The City has granted this waiver several times before, including Cornerstone DeKalb, Plaza DeKalb and Safe Passage. The Planned Development zoning also gives the City more control over the development of the site.

Finally, a waiver for the minimum common open space requirement of at least 15% for “PD-R” sites is also requested. The subject site would need 11,615 sq. ft. of common open space to meet the standard. The UDO does allow stormwater facilities to make up 50% of the requirement. The stormwater detention area takes up 6,895 sq. ft. or about 61% of the required open space. The subject site is only 1.78 acres and the standard is more applicable to larger residential subdivisions and is not practical for smaller parcels. It should be noted the “site coverage” on the plans is 73.8%, leaving 26.2% of the site in green space (not covered with buildings or pavement). In addition, the preliminary plan complies with all setbacks (building and parking) and landscaping standards.

The Planning and Zoning Commission held a public hearing regarding the petition at their meeting on January 18, 2022. By a vote of 3-1 (O’Flaherty opposed), the Commission recommended City Council approval of the rezoning, upon annexation, for the .68-acre parcel from the “SFR1” District to the “PD-R” District. and approval of the rezoning from the “GC” District to the “PD-R” District for the 1.1 acre property located at the northwest corner of Barber Greene Road and County Farm Road, commonly known as 1383 Barber Greene Road. Commissioner O’Flaherty liked the development plan but thought the site might one day be sold for commercial purposes. In the public testimony, local commercial realtor Denise Weinman explained that the site had been listed for commercial purposes

for about 18 years and had not yielded a new commercial user. She also reported that the limited right-in, right-out access to Barber Greene Road was suitable for the proposed residential purposes but could not support the more active level of traffic required of a retail use.

The Commission also recommended approval of the preliminary development plan (see Exhibit A, attached) to accommodate a 4-story executive suites residential complex with (61) 1-bedroom dwelling units.

City Council approval of the Planning and Zoning Commission recommendation is requested. ([click here for additional information](#))

N. REPORTS AND COMMUNICATIONS

- 1. Council Member Reports.**
- 2. City Manager Report.**

O. EXECUTIVE SESSION

Approval to Hold an Executive Session in Order to Discuss the following:

- 1. Personnel as Provided for in 5 ILCS 120/2(c)(1);**
- 2. Workers Compensation as Provided for in 5 ILCS 120/2(c)(12); and**
- 3. The Appointment, Discipline, Performance or Removal of a Public Officer as Provided in 5 ILCS 120/2(c)(3).**

P. ADJOURNMENT

[REGULAR AGENDA PACKET – JANUARY 24, 2022](#)