



**DEKALB CITY COUNCIL AGENDA
REGULAR MEETING
MARCH 13, 2023
6:00 P.M.**

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

Pursuant to Chapter 2 “City Council”, Section 2.04 “Council Meetings”, persons wishing to address the City Council during this meeting are required to register with the Recording Secretary by filling out and submitting a Speaker Request form, copies of which are located on the table just outside the meeting room, along with copies of the agenda. Comments will be limited to three (3) minutes. Further information for addressing the City Council can be found on the Speaker Request form.

A. CALL TO ORDER AND ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF THE AGENDA

D. PRESENTATIONS

None.

E. PUBLIC PARTICIPATION

F. APPOINTMENTS

None.

G. APPROVAL OF THE MINUTES

1. [Minutes of the Regular City Council Meeting of February 27, 2023.](#)

H. CONSENT AGENDA

1. [Accounts Payable and Payroll through March 13, 2023, in the Amount of \\$2,563,457.54.](#)
2. [Investment and Bank Balance Summary through January 2023.](#)
3. [Year-to-Date Revenues and Expenditures through January 2023.](#)

Assistive services, including hearing assistance devices, available upon request.

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I. PUBLIC HEARINGS

None.

J. CONSIDERATIONS

1. Consideration of a Staff Proposal Regarding Video Gaming in the City of DeKalb.

City Manager's Summary: At the City Council meeting of February 13, the City Manager reported on the City's licensed video gaming establishments (VGEs), as regulated by Chapter 38, Section 38.27, of the Municipal Code. In addition, a summary of licensed liquor establishments with video gaming terminals was presented.

The ensuing Council discussion centered on the following questions:

- What is the optimum number of VGEs?
- Should there be a limit on the number of video gaming terminals (VGTs) in licensed liquor establishments?
- Should VGTs be permitted in restaurants?
- Should VGTs be permitted in gas stations, food and fuel establishments, or liquor stores?
- Should the Council legislate limits on the number of new VGTs in any lawful establishment?
- Should the Council limit the number of licensed liquor establishments?

As background for the Council's discussion, the following information was provided:

Chapter 38, Section 38.27, Paragraph 8 of the Municipal Code allows a maximum of 10 video gaming establishments (VGEs) and each VGE is allowed a maximum of six video gaming terminals (VGTs). Currently there are nine "fully licensed" VGEs in DeKalb. If Resolutions 2023-022 and 2023-023 (below) regarding Blue Ridge LLC (Jeff Dobie) are approved, there would be ten licensed video gaming establishments. CJ's gaming Bar at 2022 Sycamore Road holds a conditional City-issued bar liquor license, as well as a State of Illinois issued liquor license, but has not received a City-issued Fire Life Safety license and their State of Illinois issued gaming license is still pending.

The nine, fully approved current licensees at this writing are noted in the following table:

Business Name	Business Address	Number of VGTs
Athena's	1704 Sycamore Rd.	6
Charley's	1792 Sycamore Rd.	6
Chip's	122 E. Hillcrest Dr.	6
Lucky Poker	1812 Sycamore Rd.	6
Lucky Poker	3260 Sycamore Rd.	6
Maisy's	854 S. Fourth St.	6

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Jazzy's	870 W. Lincoln Hwy.	6
Shelby's	2581 Sycamore Rd.	6
Suzi's XIII	2410 Sycamore Rd.	6
Total:		54

Other liquor license holders in DeKalb with VGTs as an accessory use are:

Business Name	Business Address	Number of VGTs
American Legion Post (PENP)	1204 S. Fourth St.	5
DeKalb Elks Lodge (PENP)	209 S. Annie Glidden Rd.	5
DeKalb Columbus Club (PENP)	1336 E. Lincoln Hwy.	5
DeKalb Moose (PENP)	1231 E. Lincoln Hwy.	6
Fatty's Pub & Grill	1312 W. Lincoln Hwy.	4
Hometown Sports Bar & Grill	241 E. Lincoln Hwy.	6
KJ's Tap	518 E. Lincoln Hwy.	6
Mason Indoor Golf	1500 Sycamore Rd.	6
Mardi Gras Lanes	1730 Sycamore Rd.	6
Molly's Bar & Bottle Store	1000 W. Lincoln Hwy.	4
Sullivan's Tavern	722 E. Lincoln Hwy.	6
Total:		59

PENP = Public Entity/Non-Profit establishments currently pay \$25 annually for each licensed VGT.

DeKalb presently has 113 active video gaming terminals. In 2022, the City received \$391,196 in taxes from these terminals – the highest annual total to date. In addition, the City received approximately \$96,017 in City liquor and VGT license fees from these terminals in 2022.

None of the City's VGEs hold live entertainment or catering licenses, but most do hold amusement licenses for dart boards and pool tables. Some licensed bars with video gaming terminals hold live entertainment and amusement licenses too.

Based on the Council's suggestions during and since the meeting of February 13, the following staff recommendations are offered for Council review and approval. Any approved recommendations can be codified through Council action to amend the Municipal Code at a subsequent Council meeting.

1. Continue to aim for a limit of 10 licensed VGEs. The years-long deferrals of the Blue Ridge licenses and the delays in state licensing for other Council-approved VGEs have confounded the best efforts to establish a hard line between conditional and fully licensed VGEs.

If the Council takes action to provide one further extension for the Blue Ridge licensure (as recommended under Resolution 2023-022, below), the City Manager recommends no further VGE licenses until the total number is naturally reduced below 10. Thereafter, the Council and staff can better account for fully licensed establishments and the limit of 10 can be more forcefully maintained.

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2. Allow VGTs in businesses holding a Bar liquor license.
 - There are five existing businesses that would be eligible that do not have VGTs – Keg & Kernel, La Calle, Lord Stanley’s, Tapa La Luna, and The Grove Tavern.
 - New Bar liquor licenses could apply for VGTs, which would be vetted by Council prior to issuance.
3. No VGTs in gas stations, food and fuel establishments, or liquor stores.
4. Based on informal polling, it is assumed the Council will want to prohibit VGT licenses in current and future restaurants.
5. The maximum number of VGTs in any licensed establishment shall be six.

City Council approval of the staff recommendations is requested.

K. RESOLUTIONS

1. **Resolution 2023-022 Amending Resolution 2022-023 to Extend the Deadline for the Issuance of a Package Liquor License with Supplemental Drive-Through Licensure for Blue Ridge LLC – 1221, Located at 1221 W. Lincoln Highway.**

City Manager’s Summary: At the regular City Council meeting of February 27, the Council tabled Resolution 2023-022 so the City Manager could provide an amendment that would extend the deadline for the issuance of a package liquor license with drive-through liquor licensure under certain conditions. These conditions are as follows:

- a. The petitioners shall submit a final development plan and final plat that will be reviewed and recommended by the Planning and Zoning Commission and approved by the City Council no later than June 1, 2023. The final development plan includes architectural elevations, an engineering plan, a photometric plan, and landscape plan.
- b. A building permit shall be issued no later than June 1, 2023.
- c. A temporary occupancy permit shall be issued no later than six months after the date of the issuance of the building permit. to establish “substantial completion.”

These conditions have been incorporated in the attached resolution. **City Council approval is recommended.** ([click here for additional information](#))

2. **Resolution 2023-023 Amending Resolution 2022-023 to Extend the Deadline for the Issuance of a Bar Liquor License with Supplemental Licensure for Video Gaming for Blue Ridge LLC – 1221, Located at 1221 W. Lincoln Highway.**

City Manager’s Summary: At the last regular Council meeting of February 27, the Council also tabled Resolution 2023-2023. If the Council approves the amended Resolution 2023-2022, above, then **approval of Resolution 2023-2023 which includes video gaming licensure, and a supplemental bar liquor license, is recommended.** ([click here for additional information](#))

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3. Resolution 2023-027 Approving an Intergovernmental Agreement with the DeKalb Public Library for the Use of the Library for a Mural Project.

City Manager's Summary: The attached resolution provides an intergovernmental agreement (IGA) between the City of DeKalb and the DeKalb Public Library regarding the use of lower-level Library space at 309 Oak Street for the creation of decorative glass components to be used in the City Hall mural project in 2023. The collaborative mural creation and installation will involve City volunteers, including children, in the creation of panels to be attached on the south wall of City Hall at 164 E. Lincoln Highway. The Library has graciously offered indoor space, at no charge, so the panel construction can proceed regardless of weather conditions. The attached IGA provides appropriate indemnities to the Library and names the City as an additional insured. The agreement also allows the Library to promote the mural project in its various media, including its website, fliers, and social media. Adult supervision will be present at all times, and creative supervision will be provided by the mural artist.

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

4. Resolution 2023-028 Authorizing the Purchase of a 2023 Stepp Manufacturing Hot Patch Trailer from Brown Equipment for the Public Works Department in an Amount Not to Exceed \$31,638.

City Manager's Summary: The Street Division is requesting approval to purchase a new Stepp Manufacturing hot patch trailer for street repair operations. This equipment is primarily used to repair potholes, which seem to emerge on a daily basis in the city and, particularly, during the annual freeze-thaw cycles. The new unit would replace a 17-year-old unit with significant wear and corrosion. The purchase will be made through Brown Equipment Company, which is headquartered in Evansville, Indiana. Stepp Manufacturing currently holds the Federal Purchase Contract for this specialty equipment through September 30, 2025 (contract #05-77). Brown Equipment Company is a certified dealer for Stepp Manufacturing products.

The funding comes from savings created by some creative spending by Andy Raih, the City's Assistant Public Works Director for Streets, Facilities and Airport Operations. Here's how the money was found:

- The Fiscal 2023 budget allocated \$260,000 for vehicles and upfitting for the Public Works Street Division (420-00-00-87020).
- A resolution was passed by the City Council on September 26, 2022, for the refurbishing of a 2005 Elgin Pelican Sweeper in an amount not to exceed \$100,000. The repair amount came in under budget at \$76,772.64 providing a net savings of \$23,227.36.
- On January 9, 2023, the City Council approved the purchase of a 2023 Freightliner LR8-56 Aerial Truck in an amount not to exceed \$148,720, which was \$11,280 below the FY2023 budgeted estimate.
- The net FY2023 budget savings amounts to \$34,507.36.

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The savings could go back into the Fund 420 reserve, but the replacement of the hot patch trailer is needed now. The Street Division recommends the dedication of the savings for this purpose.

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

5. Resolution 2023-029 Authorizing the Purchase and Equipping of 75 Motorola APX 7000 Portable Radios from the City of Elgin for the DeKalb Fire Department in the Amount of \$112,500 Using Ground Emergency Medical Transportation (GEMT) Funding (Fund 130).

City Manager's Summary: The Fire Department recently found an opportunity to purchase Motorola APX 7000xe dual-band portable radios (including lapel microphone, battery and battery charger per unit) from the City of Elgin at a discounted price. The radio packages are "slightly used" and would be valued at approximately \$4,000 each according to the City's repair vendor. The asking price is \$1,500 per unit. These radios would replace the Department's Kenwood Viking VP900 radios, which have proven to be unreliable and expensive to repair.

The Fire Department has tested the APX 7000 radios and found them to be more reliable, durable, water resistant, and easier to use with a gloved hand. Additionally, they have blue tooth capability, and the fire-ground transmissions appear to be clearer with less feedback. The Kenwood radios currently in use are less durable, not water resistant, do not have noise cancelling technology, are expensive to repair, and must be shipped to a remote vendor for repairs. The Motorola radios can be repaired by a local vendor from a service vehicle.

Sufficient funds exist in the FY2023 GEMT fund (130-00-00-86000) to purchase 75 replacement radios at \$112,500. The GEMT budget set aside only \$60,000 based on broker suggestions that underestimated regional pricing of the better-quality radio packages. Nevertheless, the savings achieved in the purchase of the new station alert system on February 27 (\$140,000) is more than enough to cover the additional \$52,500 needed to fund the full replacement of the Department radios with better units while the offer lasts.

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

6. Resolution 2023-030 Approving a Purchase and Sale Agreement with Michael Wood for Real Estate Located Next to 205 Industrial Drive (PIN 08-24-353-006).

City Manager's Summary: In a city planning environment over 50 years ago, before Peace Road was built, before Industrial Drive was extended south of what was once Farm & Fleet (and is now Pens Point Market/Proven Winners), before Park 88, and while Del Monte was still in operation, the City of DeKalb bought some land in anticipation of later connecting Simonds Avenue and Industrial Drive with a city street. In the decades since this vision was formulated, most of what might have become right-of-way has been purchased by industrial property owners to the east and west of a remaining strip of land shown in attached documents for this agenda item. The now-landlocked strip is approximately a half-acre in area (60 feet by 400 feet), and as the attached aerial shows it has been used by the various owners immediately to the north for years as an informal, graveled access surface for parking rental trucks.

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Elliott & Wood, the owner of the property immediately south of the landlocked City parcel, is interested in acquiring the parcel to install a legitimate second drive to the company's maintenance facility. Elliott & Wood has been mowing the City strip for decades. But for their interest, the existence of the City parcel would have been unknown to current City employees. With private ownership to the north, south and west, and the abandonment of the projected right-of-way to the east many years ago, the parcel has no value to the City.

There is no record of any recorded right-of-way coterminous with the City parcel, so in order to transfer the property the Council can simply approve a real estate contract with Elliott & Wood. The attached resolution references such a contract and a plat of survey depicting the parcel in question.

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

L. ORDINANCES – SECOND READING

None.

M. ORDINANCES – FIRST READING

1. Ordinance 2023-014 Publishing the Official Zoning Map of the City of DeKalb.

City Manager's Summary: The Illinois Municipal Code (65 ILCS 5/11-13-19) requires municipal authorities to annually publish an Official Zoning Map. The attached map reflects the changes that were reviewed and approved by the Planning and Zoning Commission (PZC) and City Council throughout the course of the past year. This is also the time that any map errors that may have been identified can be corrected.

The attached map incorporates changes approved by the Council since the last Official Zoning Map was established in March 2022:

Case Name	Ordinance	Action
Project Wildcat Gurler Rd. and Peace Rd.	2022-038	Rezoning from SFR1 to PD-I to accommodate the construction of a 780,000 sq. ft. phase 1 building with a possible expansion for a distribution, packing and storage company and accessory uses.
Martin Garcia Miranda & Paulina Chavez Martinez 304 N. 6 th St.	2022-045	Rezoning from LI to LC to accommodate a grocery store and small restaurant.
First United Methodist Church 311-317 N. 4 th St. and 321 Oak St.	2022-046	Rezoning from RC-1 to PD-C to accommodate the future development of an art studio and exhibit space.
Afton Road Annexation Afton Rd. from E. Gurler Rd. to Keslinger Rd.	2022-050	Rezoning from SFR1 to HI to conform the zoning to the use of the property.

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DeKalb County Nursing Home 2550 and 2600 N. Annie Glidden Rd.	2022-060	Amendment to Ordinance 2019-003 to amend the interior lot line setbacks to accommodate the re-subdivision of the DeKalb County Health Facilities Subdivision.
Fisk DeKalb LLC 145 Fisk Ave.	2022-070	Rezoning from NC to PD-R to accommodate up to 32 apartment units in the existing building.

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

2. Ordinance 2023-015 Amending Chapter 51, “Traffic”, Schedule F “Municipal Lot Parking”, as it Pertains to Frost Municipal Lot Parking Hours.

City Manager’s Summary: As the City, Northern Illinois University, and the consultant firm of Sam Schwartz LLC continue to work on the comprehensive commuter rail study, the City’s Transit Division has been testing local interest by expanding the number and availability of bus trips on Route 12 to the Elburn Metra Station. Previously, Route 12 operated four times per day on weekdays. With the expanded service, Route 12 now runs 10 times daily on weekdays, operating between 5:25 a.m. and 8:00 p.m. Additionally, the per-trip fares on the Elburn line were reduced from \$4 for students and \$8 for the general public to \$1 and \$2 per trip, respectively.

A challenge has been a pick-up and drop-off location for “park and ride” users. The existing City parking lot at the Union Pacific station on Locust Street between N. Sixth Street and N. Seventh Street, known as the “Frost Lot,” offers a current bus stop and room for all-day parking. However, the applicable City traffic ordinance bans parking in the Frost Lot between 2:00 a.m. and 6:00 a.m. on Tuesdays and Thursdays so the Street Division can sweep the lot. The attached ordinance revision alters the no-parking hours from 2:00 a.m. to 5:00 a.m., Tuesdays and Thursdays, to align with Route 12’s first scheduled weekday stop at 5:32 a.m.

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

N. REPORTS AND COMMUNICATIONS

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

O. EXECUTIVE SESSION

- 1. Approval to Hold and Executive Session in Order to Discuss Executive Session Minutes as Provided for in 5 ILCS 120/2(c)(21).**

P. ADJOURNMENT

REGULAR AGENDA PACKET
MARCH 13, 2023

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