



**DEKALB CITY COUNCIL AGENDA  
REGULAR MEETING  
MARCH 28, 2022  
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 City Clerk or the Recording Secretary by filling out and submitting a Speak 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**

1. [Proclamation: Observing the 50<sup>th</sup> Anniversary of the National Senior Nutrition Program.](#)
2. **T-Mobile Hometown Grant Check Presentation.** Representatives from T-Mobile will present a \$50,000 check to the City of DeKalb as the winner of a Hometown Grant. The grant, pursued by the Citizens’ Community Enhancement Commission, will fund a three-year public arts program to create works of art in DeKalb. [\*\(click here for additional information\)\*](#)

**E. PUBLIC PARTICIPATION**

**F. APPOINTMENTS**

None.

**G. APPROVAL OF THE MINUTES**

1. **Minutes Submitted by the City Clerk**
  - a. [Minutes of the Regular City Council Meeting of February 28, 2022.](#)
2. **Minutes Submitted by the Recording Secretary**
  - a. [Minutes of the Special Joint Meeting of the City Council and Finance Advisory Committee of March 14, 2022.](#)
  - b. [Minutes of the Regular City Council Meeting of March 14, 2022.](#)

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

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 current public health guidelines, persons attending this meeting are not required to wear protective face masks/coverings.

## H. CONSENT AGENDA

1. [Accounts Payable and Payroll through March 14, 2022, in the Amount of \\$1,772,268.02.](#)
2. [Investment and Bank Balance Summary through January 2022.](#)
3. [Year-to-Date Revenues and Expenditures through January 2022.](#)
4. [Freedom of Information Act \(FOIA\) Report – February 2022.](#)
5. **Resolution 2022-029 Authorizing an Agreement with the DeKalb Community Unit School District No. 428 to Provide Emergency Medical Services for DeKalb High School Home Football Games for the 2022-2023 School Year.**

City Manager's Summary: The DeKalb Fire Department provides emergency medical services at DeKalb High School home football games. The attached resolution continues that longstanding practice at the same basic terms as in 2021. The City will be reimbursed \$550 per event in exchange for one (1) ambulance staffed with two (2) off-duty paramedics. Fire personnel who work such events are paid at the 7(g) hourly rate (an overtime rate that is less than the rates for work normally performed by IAFF members).

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

## I. PUBLIC HEARINGS

None.

## J. CONSIDERATIONS

1. **Consideration of the Compensation of Volunteer Members of DeKalb Boards, Commissions and Committees.**

City Manager's Summary: The DeKalb Municipal Code does not authorize the compensation of any of the citizens who serve voluntarily on DeKalb's 14 boards and commissions. Excluding staff and Council liaisons and allowing for occasional vacancies, these boards, commissions, and committees involve 85-90 local citizens in monthly and sometimes biweekly meetings.

However, as reported at a January Council meeting, members of two City commissions, the Planning and Zoning Commission (PZC) and the Board of Fire and Police Commissioners (BFPC), had been receiving a token compensation for some years. Specifically, BFPC members received \$10 per meeting if they attended and PZC members received \$25 per meeting. These payments had apparently been authorized by department heads and baked into monthly payables lists. No one currently employed by the City was responsible for this "consideration," which came as a surprise to many.

In the past 30 days the City Manager has appeared before both the BFPC and the PZC in public session to discuss the matter of their compensation. All commissioners agreed that the token compensation was not an incentive to volunteer or participate, and all agreed that their future participation did not hinge on a level of compensation that had no relation

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to actual time or effort. The two commissions were unanimous in supporting the City Manager's recommendation to cease any further compensation outside of per diem payments for irregular outside training events authorized by the City Manager.

The City Manager is seeking Council concurrence in behalf of this approach so the appropriate adjustments can be made in the City's financial processes. There is no formal rescission to consider because there is no resolution or ordinance already touching on this matter.

## K. RESOLUTIONS

### 1. **Resolution 2022-030 Authorizing the Waiver of Competitive Bids and Awarding a Contract to Kaskaskia Engineering Group, LLC in the Lump-Sum Amount of \$400,000 for Sidewalk Ramp Construction within the Knolls Subdivision.**

City Manager's Summary: As City Engineer Zac Gill writes in his background memorandum, City capital funds are dedicated toward sidewalk repairs and re-paving in the Knolls subdivision this summer. Before the re-surfacing can occur, concrete repairs are necessary at nearly all the street corners to bring the handicap ramps up to current Americans with Disabilities Act (ADA) standards.

Part of the funding for this project is derived from the \$1.4 million Department of Commerce and Economic Opportunity (DCEO) Grant supported by State representatives Tom Demmer and Jeff Keicher in 2020. The first \$1 million of that grant has been expended in the construction of the new Afton Road on the east side of the Meta campus. One requirement of the DCEO grant was to include one or more certified Disadvantaged Business Enterprise (DBE) firms in either the design or construction of all work funded by the DCEO grant, for a minimum of 25% of the total value of the grant (or \$350,000). For the Afton Road design and construction, no DBE firms were responsive. Accordingly, of the remaining \$400,000 in DCEO grant funds, essentially all must be purposed toward the work of certified DBE firms.

The City Engineer's estimate of cost for the ADA-compliance sidewalk work and associated construction engineering in the Knolls is about \$400,000. From the pre-qualified list of DBE firms one was responsive in terms of the concrete work: Kaskaskia Engineering Group, LLC, of Geneva, Illinois. The firm has a strong record of satisfactory ADA-compliant work within state cost estimates. To meet the state grant requirements and to get the concrete work done in a timely fashion, the City Engineer is recommending the waiver of bidding and the award of the ADA-compliance work for a lump sum of \$400,000.

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

### 2. **Resolution 2022-031 Authorizing an Engineering Services Agreement with Fehr-Graham & Associates, LLC for Construction Engineering of 2,800 Feet of Water Main on N. Thirteenth Street in an Amount Not to Exceed \$51,500.**

City Manager's Summary: The attached engineering services agreement with Fehr-Graham & Associates, LLC (Fehr-Graham) authorizes spending not to exceed \$51,500 for construction engineering services related to water main replacement along N.

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Thirteenth Street. The proposal is consistent with the cost normally associated with engineering oversight for a project of this size.

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

**3. Resolution 2022-032 Awarding a Bid to Performance Construction Engineering in the Amount of \$1,027,731 for 3,139 Feet of Water Main Replacement on N. Fourteenth Street Between Clark Street and Dresser Road with Staff Authority to Approve Change Orders Up to \$1,063,701.**

City Manager's Summary: On March 14, the Council approved award of a contract to replace 2,384 feet of water main on N. Thirteenth Street between Clark Street and Sycamore Road to Performance Construction Engineering. Bids have now been opened for a similar water main replacement project on N. Fourteenth Street. The Utility Department recommends award of the contract for the replacement of 3,139 feet of water main between Clark Street and Dresser Road on N. Fourteenth Street to Performance Construction Engineering (PCE) in the amount of \$1,027,731 with staff authority to approve change orders up to \$1,063,701.

Similar to the conditions on N. Thirteenth Street, the existing water main along N. Fourteenth Street between Clark Street and Dresser Road is a combination of four-inch and six-inch cast iron main originally installed in 1955. The water main has had numerous breaks over the years causing water service disruptions to residents within the affected area. The Utility Department recommends replacing the main with a new eight-inch ductile iron water main to insure a safe and reliable water supply with adequate fire flow. The roadway is scheduled to be resurfaced in 2022 as part of the City's Street Maintenance Program.

A Request for Bids (RFB) was released on February 11, 2022. The RFB included two alternates. Alternate Bid #1 included replacement of concrete curb disturbed during water main and service line installations. This would help facilitate roadway resurfacing scheduled upon completion of the water main replacement. Alternate Bid #2 included replacement of various sewer laterals and was added at the request of the Kishwaukee Water Reclamation District (KWRD). Alternate Bid #2 will not be included under the City's contract. KWRD will work directly with PCE to formulate a separate contract based on the Alternate #2 bid.

The following bids were received and publicly opened on March 15, 2022:

<b>Company Name</b>	<b>Base Bid</b>	<b>Alternate #1 Replacement of Curb Disturbed During Excavation</b>	<b>Alternate #2 Replacement of Sewer Laterals in Various Locations</b>	<b>Total Bid Base Bid and Alternate #1 Only</b>
Performance Construction Eng.	\$987,075	\$40,656	\$310,225	\$1,027,731
N-Trak	\$1,000,391.91	\$34,122	\$335,125	\$1,034,513.91
Elliott & Wood	\$1,040,000	\$29,040	\$422,375	\$1,069,040
H. Linden & Sons	\$1,129,145	\$24,684	\$444,000	\$1,153,829

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The lowest responsible bid was submitted by Performance Construction Engineering with a base bid amount of \$987,075 and an Alternate #1 bid of \$40,656 for a total bid of \$1,027,731 (Exhibit B). This amount is \$14,208 more than the engineering estimate of \$1,013,523. Bryan Faivre and the Utility department staff are also recommending Council authority to approve change orders up to \$1,063,701, or an increase of 3.5% (\$35,970) over the bid amount. The 3.5% contingency request is modeled after the Illinois Environmental Protection Agency's contingency allowance for loan-funded projects to pay for unforeseen work items. Although it is difficult to predict contingency costs, a 3.5% amount should be adequate for the scope of this project.

The approved FY2022 Water Fund budget includes \$1,590,000 under line item 620-00-00-650-85000 for water main work. **Combining the Council-approved water main replacement along N. 13<sup>th</sup> Street in the amount of \$641,892 with the bid received for N. Fourteenth Street in the amount of \$1,027,731, the total water main replacement cost would equal \$1,669,623. This amount is \$79,623 over the FY2022 approved water main budget of \$1,590,000.** Re-bidding the N. Fourteenth Street work is not expected to produce a better price. The Fund 620 reserve can digest the difference and an FY2022 budget amendment will be brought to the Council in about 90 days to clean up the difference long before significant project spending occurs.

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

- 4. Resolution 2022-033 Authorizing an Engineering Services Agreement with Fehr-Graham & Associates, LLC for Construction Engineering of 3,136 Feet of Water Main on N. Fourteenth Street in an Amount Not to Exceed \$61,900.**

City Manager's Summary: The attached engineering services agreement with Fehr-Graham & Associates, LLC (Fehr-Graham) authorizes spending not to exceed \$61,900 for construction engineering services related to water main replacement along North Fourteenth Street. The proposal is consistent with the cost normally associated with engineering oversight of a project of this size.

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

- 5. Resolution 2022-034 Approving an Amendment to the Collective Bargaining Agreement with the DeKalb Fraternal Order of Police, Lodge #115, Illinois Fraternal Order of Police Labor Council, Article 5 "Holidays", Section A, "Base Holiday Entitlement," and Section B, "Holiday Accrual for New Members."**

City Manager's Summary: On July 12, 2021, the City Council approved Ordinance 2021-025 which amended the City's holiday schedule to recognize June Nineteenth ("Juneteenth") as an official paid employee holiday. Juneteenth had been declared a federal holiday on June 17, 2021, to commemorate the day (June 19, 1865) when Union General Gordon Granger and a contingent of about 2,000 Union troops brought news of emancipation to one of the deepest parts of the former Confederacy in Galveston, Texas. This resolution officially updates the FOP contract to reflect that Council decision.

Specifically, Sections A and B of Article 5 of the Agreement will be amended to increase the number of hours of vacation from 112 to 120 in lieu of holiday time off, for both new members and current members of the bargaining group. Since Police officers typically

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work on established holidays, their benefit has traditionally been calculated in additional vacation hours.

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

#### **L. ORDINANCES – SECOND READING**

None.

#### **M. ORDINANCES – FIRST READING**

- 1. Ordinance 2022-015 Amending Chapter 38 “Intoxicating Liquors”, Section 38.01 “Definitions”, and Section 38.27 “Gambling Devices”, as it Pertains to Video Gaming Terminal Operators.**

City Manager’s Summary: At the regular Council meeting of March 14, the City Council voted to table a proposed ordinance to impose the increased costs of the City’s video gaming license fees solely on video gaming terminal operators to allow the City Attorney to discuss the economic and legal implications of the proposed ordinance with interested community stakeholders.

City Attorney Matthew Rose has diligently reviewed the matter and listened to community input, and has proposed some revisions, which are red-lined in the attached ordinance draft and summarized below:

- The current annual license fee will be doubled from \$250 to \$500 per terminal, and the terminal operator and local establishment holding the gaming license are required to equally split the annual license fee.
- The initial non-refundable application fee will be \$1,000 per establishment, but again it is expected that the terminal operator and local establishment will equally split the cost.

In brief, the fees would be doubled, but the local establishment should not bear the cost of the increases.

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

#### **N. REPORTS AND COMMUNICATIONS**

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

#### **O. EXECUTIVE SESSION**

None.

#### **P. ADJOURNMENT**

### **REGULAR AGENDA PACKET – MARCH 28, 2022**

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