



**DEKALB CITY COUNCIL AGENDA  
REGULAR MEETING  
APRIL 25, 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. [DeKalb Police Department 2021 Annual Report.](#)

**E. PUBLIC PARTICIPATION**

**F. APPOINTMENTS**

1. **Appointment of Finance Director Carrie Dittman to the Police Pension Board for a Two-Year Term Beginning June 1, 2022, and Ending May 31, 2024.**

**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 April 11, 2022.](#)

**H. CONSENT AGENDA**

1. [Accounts Payable and Payroll through April 25, 2022, in the Amount of \\$2,531,834.42.](#)
2. [Investment and Bank Balance Summary through February 2022.](#)

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

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3. [Year-to-Date Revenues and Expenditures through February 2022.](#)
4. [Freedom of Information Act \(FOIA\) Report – March 2022.](#)

#### I. PUBLIC HEARINGS

None.

#### J. CONSIDERATIONS

None.

#### K. RESOLUTIONS

1. **Resolution 2022-037 Authorizing an Amended Highway Authority Agreement as Prescribed by the Illinois Environmental Protection Agency with DeKalb Forge Company Regarding Previous Ground Contamination at 1832 Pleasant Street.**

City Manager's Summary: The attached agreement and resolution will be submitted to the Illinois Environmental Protection Agency (IEPA) in support of DeKalb Forge Company's pursuit of a No Further Remediation determination. It establishes the City's right to future compensation should significant excavation ever be necessary in the City's E. State Street right-of-way near the impacted site.

The DeKalb Forge Company site at 1832 Pleasant Street previously had an underground fuel oil tank near the intersection of E. State Street and Dietz Avenue. Additionally, a fuel port for receiving fuel oil from tanker trucks had long been established near the ditch line of State Street. Over time, the underground tank developed a slow leak. Further, the routine, regular filling operations with pressurized hoses dripped oil into the grassy ditch whenever the hose was uncoupled. The combination of the two sources of leaked fuel oil led to an identifiable contamination within the City's right-of-way that penetrated the subsoil area beneath the City's paved street. With the sources of the contamination now removed, the IEPA has determined that any remaining contamination within the right-of-way poses no further threat if left undisturbed, with the pavement section and underlying road bed providing an impervious barrier if left intact.

This agreement allows the DeKalb Forge Company to receive a "No Further Remediation" determination from the IEPA, while also acknowledging the Company's culpability for the identified contamination. Further, it allows the City future compensation should the roadbed or parkway need be significantly disturbed for maintenance or development purposes, resulting in further remediation costs.

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

2. **Resolution 2022-038 Authorizing the Award of a Construction Services Contract to Elliott & Wood, Inc. in the Amount of \$1,763,000 for the Lincoln Highway Lane Reconfiguration.**

City Manager's Summary: Conceptual planning for the reconfiguration of Lincoln Highway from First Street to Fourth Street began in small group discussions among downtown business owners and City staff following the Council's public resolve to relocate City Hall

to 164 E. Lincoln Highway in May 2019. Despite COVID constraints, which led to the re-bidding of annual street maintenance work in the Spring of 2020, some in-house conceptual design work was begun by City Engineer Zac Gill. The re-configuration took shape as a reduction in lanes from four to three, with the middle lane serving as a turn lane. The resulting “gain” of five to six feet of sidewalk space on both the north and south sides of the project area offered safer and calmer pedestrian passage in contrast to the truck raceway that has dominated the downtown streetscape for decades. Additional historic lighting, better signage, wider pedestrian-friendly “eyebrows” at the intersections, more color, electrification of the permanent planters to brighten special events, and other features were added to the design stew. In the late fall of 2020, the passage of the FY2021 Budget committed TIF#3 monies for the formal design and completion of the streetscape improvements planned for 2021.

The IDOT formal review extending from March 2021 through March 2022 precluded the possibility of a road project in 2021. After several iterations of complete plan sets, a public bid process was authorized in late March of this year. It should be noted that through the long design period the City was ably assisted by Engineering Enterprises, Inc. of Sugar Grove who prepared and revised plan documents in timely consultation with Mr. Gill.

At the bid opening on April 20, the lowest responsible bidder was Elliott & Wood of 210 Industrial Drive, DeKalb, with a bid price of \$1,763,000 (see attached memorandum from Zac Gill). The construction contract will be paid from TIF#3 (262-00-00-83900).

**City Council approval of the Elliott & Wood bid is recommended.** ([click here for additional information](#))

**3. Resolution 2022-039 Authorizing a Permit Application to the Illinois Department of Transportation for the Lincoln Highway Lane Configuration.**

City Manager’s Summary: Concurrent with the Council’s award of contracts and engineering services to implement the Lincoln Highway Lane Reconfiguration project, the City is required to approve a resolution formalizing the Permit Application to the Illinois Department of Transportation, and the City is required to commit to the completion of the project according to the IDOT-approved plans and specifications.

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

**4. Resolution 2022-040 Authorizing an Engineering Services Agreement with Fehr-Graham & Associates, LLC for the Lincoln Highway Lane Reconfiguration in an Amount Not to Exceed \$124,925.**

City Manager’s Summary: If the Council approves the award of a construction contract with Elliott & Wood (Resolution 2022-038), the City staff recommend the award of the construction engineering contract to Fehr-Graham.

Fehr-Graham has long been on the City’s pre-qualified list of professional engineering firms, and recently performed under contract for the 2019-2021 Street Maintenance Program, with a high level of satisfaction expressed by residents of a variety of neighborhoods along First Street, Taylor Street, and Seventh Street, in particular.

This major downtown project will require almost daily adjustments to the rhythms of downtown commerce and business operations. A key focus will be the minimizing of business disruption and customer inconvenience, while maintaining a steady pace of work to meet construction timelines and to remain within budget. The Fehr-Graham resident engineers have a strong track record in these areas.

The City Engineer had estimated \$150,000 for construction engineering services. Fehr-Graham has proposed a contract in the amount of \$124,925 to cover daily construction engineering and administrative services. This cost would be paid from the TIF#3 Fund (262-00-00-83900).

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

- 5. Resolution 2022-041 Authorizing the Appropriation of Local Funds and a Joint Funding Agreement with the Illinois Department of Transportation for the Replacement of the Bridges at N. First Street and Lucinda Avenue for an Estimated \$1,180,250.**

City Manager's Summary: The attached document authorizes a joint funding agreement with IDOT and commits the required local share of funds to the proposed double bridge replacement project scheduled for actual construction beginning in the Spring of 2023 and ending in the Fall of 2023. The project involves two bridge replacements on major travelled routes with substantial funding from the State of Illinois. One bridge spans the Kishwaukee River on N. First Street near the Clinton Rosette Middle School and the other spans the Kishwaukee River at the Lucinda Avenue entrance to the NIU campus. Both bridges have reached the end of their design life. The engineering for these major projects has been underway since 2020.

The contract is held by IDOT, with the local agency share remitted to them upon request as the project advances. To formalize the forthcoming contractual arrangement, IDOT requires not only an authorized Joint Funding Agreement from the local municipality, but an underlying resolution appropriating the local share of anticipated project costs. The accumulated local share is \$1,180,250 (210-00-00-83800).

The project, which is funded locally through Rebuild Illinois Bond sale proceeds and also through State MFT allocations, is scheduled to go to bid in June of this year to allow for significant lead time in the ordering and acquisition of special bridge components in time for an aggressive start in 2023.

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

- 6. Resolution 2022-042 Authorizing the Award of a Contract to Northern Illinois Service Company for the Demolition and Restoration of 1011-1027 W. Hillcrest Drive in the Amount of \$237,883.**

City Manager's Summary: The mixed commercial and residential property at 1011-1027 W. Hillcrest Drive was purchased by the City of DeKalb on October 18, 2021. With the exception of a few second-floor residential tenancies without written leases, the various residential and commercial tenants held leases that allowed for termination by the City in six months upon appropriate written notice. Almost immediately after the property closing in mid-October, the City provided such notice, which identified April 30, 2022, as the date

of termination. Since the legal notices were delivered, the City staff have been working collaboratively with all of the commercial and residential tenants to provide relocation assistance that has principally consisted of (a) reimbursement for the first and last month's rent and a damage deposit at a new rental location, and (b) reimbursement for moving expenses. The condition for the reimbursement of rental expenses has been the presentation of a signed lease, and the condition for the reimbursement of moving expenses has been the presentation of a paid receipt from an established moving company or trailer rental company. To date, the reimbursements have totaled \$120,725.07, with the possibility of one final reimbursement for relocation. All tenants will be relocated by April 30, 2022.

It was the Council's intent in the Fall of 2021 to come into possession of the former Hunter Hillcrest property, to fairly and safely relocate all tenants, and to raze the structure as a step toward the ultimate solicitation of proposals for the redevelopment of the City's holdings, which stretch in an L-shaped direction eastward on Hillcrest Drive then northward on Blackhawk Road (see attached aerial view). In anticipation of the demolition of the Hillcrest property, Andy Raih, Assistant Director of Public Works for Streets, Facilities and Airport, conducted an environmental review of the property and has arranged for the removal of any contaminants by a qualified environmental firm. The department also released a solicitation of demolition bids on March 22, 2022 for the razing of the sprawling building as well as the broad parking lot.

The request for bids (RFP) resulted in five submissions by the bid deadline of April 11. Following the closing of the public bidding process, Public Works conducted reference checks and has identified Northern Illinois Service Company as the most responsible bidder at \$237,883. The table below shows all the responsible bids which ranged from \$237,883 to \$368,122:

Bidder	Building Demolition	Parking Lot Removal	Final Bid Total
N Trak Group	\$225,450.00	\$75,000.00	\$300,450.00
American Demolition Corp.	\$210,708.65	\$157,413.35	\$368,122.00
<b>Northern Illinois Service Company</b>	<b>\$171,160.00</b>	<b>\$88,382.00</b>	<b>\$237,883.00</b>
McDonagh Demolition	\$254,000.00	\$73,000.00	\$327,000.00
Alpine Demolition Services	\$254,000.00	\$112,300.00	\$366,300.00

**City Council approval of the contract with Northern Illinois Service Company in the amount of \$237,883 is recommended.** ([click here for additional information](#))

**L. ORDINANCES – SECOND READING**

**1. Ordinance 2022-017 Amending Chapter 7 “Water Service”, Section 7.18 “Water Rates”, and Section 7.18-6 “Water Service Fee”.**

City Manager's Summary: At the last regular Council meeting of April 11, the Council considered a proposal to raise the City's billed user rate for water service. On first reading, the Council approved a 3.5% water rate increase as recommended by the City Manager. Because of the potential impact on all City businesses and residences, the Council agreed

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to postpone consideration of this matter on second reading until April 25, to allow for more public review and discussion.

**Background**

As explained at the Council meeting on April 11, the City’s water rate and water service fee are both components of the billed user rate for City water service. The water rate is specifically tied to water consumption; the water service fee is a minimum flat fee that is billed bi-monthly and varies based on water meter size. The meter size is in turn related to the building use. The working assumption has historically been that larger and more complicated building designs invite higher capital costs for the City in terms of fire protection and tributary mains.

Chapter 7.18 (Water Rates) of the City’s Municipal Code states that the Water Rate and Water Service Fee shall be “subject to a positive adjustment annually using the increase, if any, in the most recent Consumer Price Index (CPI).” Prior to 2021, the Municipal Code permitted annual CPI increases without Council consideration. This code provision was revised last year to invite Council consideration of any fee increases, in the best interest of our customers.

This approach is all the more important because of the climbing consumer price increases state-wide and nation-wide. If the Council were to automatically increase billed user rates in line with the most recent CPI (February 2021 to February 2022), it would result in a water rate increase of 7.1%. This adjustment would be effective April 1, 2022, for bills issued on the July 1 bill cycle. A 7.1% CPI water rate and water service fee increase would result in the average single-family home paying approximately \$32.64 more per year in water cost and would generate an estimated \$447,724 annually in revenue to the Water Fund, assuming water sales remain flat.

Many businesses and individuals continue to struggle with the negative economic impacts of COVID-19 in addition to rising inflation. The City’s Water Fund is no exception to this condition. Increased commodity, shipping, and labor costs have adversely impacted all aspects of the Water Fund’s budget. Because 95% of the Water Fund’s revenues are generated through water sales and water service fees, a thoughtful consideration of water rates is a prudent fiscal exercise. At the same time, any fiscal determination must be balanced with the impact on our customers. For this reason, several water rate options were provided for the Council’s consideration, including a 7.1% increase (the February 2022 CPI); a 3.5% increase; a 2.6% increase (same as in 2021); and no increase.

The impacts of each option as it relates to the Water Fund and our customers are compared in the following table:

Water Rates				Water Service Fee			Water Fund and Customer Impact	
Current Water Rate (per unit)	Proposed Water Rate Increase	Rate Increase (per unit)	New Water Rate (per unit)	Current Bi-Monthly Water Service Fee *(3/4" water meter)	Bi-Monthly Water Service Fee Increase	Proposed Bi-Monthly Water Service Fee	Estimated Total Additional Water Revenue Generated	Annual Increase to Customer's Water Bill
\$3.94	7.10%	\$0.28	\$4.22	\$13.46	\$0.96	\$14.42	\$447,724	\$32.64
\$3.94	3.50%	\$0.14	\$4.08	\$13.46	\$0.47	\$13.93	\$220,709	\$16.07
\$3.94	2.60%	\$0.10	\$4.04	\$13.46	\$0.35	\$13.81	\$163,955	\$11.94
\$3.94	0.00%	\$0.00	\$3.94	\$13.46	\$0.00	\$13.46	\$0.00	\$0.00

\* Water Service Fee for meters greater than 3/4-inch will be higher

A comparison of water user fees for surrounding communities was also presented on April 11 (see below). The comparison is based on the monthly cost for 6,000 gallons of water, which is the average use for a typical home. The total monthly water cost listed in the table includes the water rate as well as any other associated fees used in calculating the billed user rate. A CPI adjustment of 7.1% would result in the monthly water cost increasing from \$38.33 to \$41.05 per month for DeKalb customers, or an increase of \$2.72 per month. **An increase of 3.5% (1/2 the CPI) would result in the monthly water cost increasing from \$38.33 to \$39.67 per 6,000 gallons used, or an increase of \$1.34 per month.** The Water Rate Comparison Chart below shows how DeKalb’s water rate would compare to other communities, assuming a 3.5% rate increase.

Current Water Rate Comparison	
Municipality	Total Avg Monthly Water Cost per 6,000 gallons
Geneva	\$54.62
Elburn	\$49.49
Maple Park	\$48.28
Sycamore	\$41.98
<b>DeKalb</b>	<b>\$39.67*</b>
St. Charles	\$38.41**
Genoa	\$34.10
Cortland	\$32.50

\*DeKalb’s monthly water rate with a proposed 3.5% rate increase

\*\*The City of St. Charles does not include “summer user rates” which are 71% higher.

**City Council approval of the proposed 3.5% increase on Second Reading is recommended.** [\(click here for additional information\)](#)

**M. ORDINANCES – FIRST READING**

- 1. Ordinance 2022-018 Authorizing a Zoning Map Amendment from the “LI” Light Industrial District to the “LC” Light Commercial District for 315 N. Sixth Street (Elion Business Center LLC).**

City Manager’s Summary: The City has received a petition from Elion Business Center LLC represented by Kendra Elion to rezone a portion of 315 N. Sixth Street from the “LI” Light Industrial District to the “LC” Light Commercial District. The intent of the applicant is to establish a day care center and associated uses at the location.

As Planning Director Dan Olson writes in his background memorandum, the proposed rezoning covers the building only as the associated parking lot to the north is already zoned “LC” Light Commercial District. The applicant is under contract with the current owner of the property, JB Buckner Family LTD Partnership. The request is for the rezoning of the site, not the approval of the day care center or a site plan. The approximate location of the proposed outdoor play areas is provided on an aerial, which is included in the Council’s background materials. The play areas will be added north of the building in an area currently containing a portion of the parking lot.

The applicant currently operates a day care center along DeKalb Avenue in Sycamore called Mother’s Little Helper Learning Center. The new day care center will be called

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Mother's Little Helper 2 and will accommodate approximately 197 children. The facility will provide care for children ages six weeks to 13 years including before-school and after-school programs and summer camps. The proposed hours for the day care center will be 6:30 a.m. to 5:30 p.m., with 9:30 a.m. being the latest for drop-offs. The current building is 24,050 square feet in area with about half the space proposed for the day care use. The applicant would also like to lease some of the remaining space for professional suites including a variety of small businesses such as offices and service uses, provided they would be permitted in the "LC" District.

Under the current zoning on the site, "LI" Light Industrial, day care centers are a special use and some of the services the applicant wanted to locate in the building are not permitted. Rezoning the site to the "LC" District was seen as the best possible option and the most compatible with the surrounding neighborhood. The proposed "LC" District fits into the surrounding neighborhood, with "LC" zoning existing to the north and east of the subject site. The Housing Authority of the County of DeKalb across N. Sixth Street is zoned "LI" District and the adjacent Christ Community Church's Outreach Center is zoned "LC" District. The 2005 Comprehensive Plan recommends the site for commercial uses.

The applicant has the property under contract with the purchase contingent upon the approval of the rezoning. The attorney for the current owner is content with the condition that if the sale does not go through after approval of the rezoning, the property will revert back to the "LI" Light Industrial District. The language to accommodate this request is addressed in the Ordinance approving the rezoning.

The Planning & Zoning Commission reviewed the rezoning request on April 18 and by a vote of 6-0 (Maxwell absent) recommended its approval. **City Council approval of the Planning & Zoning Commission recommendation is requested.** ([click here for additional information](#))

**2. Ordinance 2022-019 Amending Chapter 33 "Peddlers, Solicitors and Itinerant Merchants", Section 33.13 "Food or Beverage Vending Vehicles".**

City Manager's Summary: At the last regular City Council meeting of April 11, the Council considered revisions to Municipal Code Chapter 33 "Peddlers, Solicitors, and Itinerant Merchants," Section 33.13, "Food and Beverage Vending Vehicles," to make food trucks more welcome in the rhythms of DeKalb's events and commerce.

The impetus for this review was the fact that laddered fees and detailed regulations and licensure preconditions appeared to be discouraging applications, even though food trucks have become a common sight at many public and private events around the City and around the County during warmer months. In fact, between 2019 and 2021, only four food truck licenses were issued.

The attached ordinance revises the regulations to establish the following essential preconditions for a City license:

- A County food license. The DeKalb County Health Department enforces the public health parameters including such sanitary considerations as available hot and cold water, portable handwashing facilities, dishwashing facilities (if applicable), and the identification of restrooms at or near the site.

- A “one-stop” shop experience with the City. Fees will be limited to one, non-refundable payment of \$75.00 at the time of application.
- Removal of the background investigation. It is true that around the country there have been instances over time in which mobile unit vendors have put both juveniles and adults at risk. However, the fact is that the persons operating the vehicles often change throughout the season and there is no City staff capacity to routinely check IDs for unit personnel. The DeKalb Police are more likely to learn of suspicious activity by being visible and present at events where such vendors may set up shop.
- No food or beverage vending vehicle may use annoying strobe lighting to solicit retail sales or advertise the presence of the vending vehicle while in operation in the City.
- Any music, noise or sound amplification must comply with all applicable local, state, and federal regulations, and 1) must be at a volume that does not create a nuisance; and 2) must be at a volume that will not be heard more than 300 feet from the food or beverage vending vehicle.
- The operator of any food or beverage vending vehicle shall report and pay sales taxes, with such sales taxes being reported as originating within the City, where required under applicable Illinois law. The operator should also remit any required Restaurant and Bar taxes required under City Code.
- Food trucks cannot be parked within City rights of way where they might pose a distraction to motorists and undue risks for customers milling around the unit.

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

**3. Ordinance 2022-020 Amending Chapter 51 “Traffic”, Section 51.19 “Penalties”, and Schedule C “Parking Prohibited”, as it Pertains to Parking on Lincoln Highway Between First Street and Fourth Street to Limit Certain Segments to One Hour.**

City Manager’s Summary: The attached ordinance was requested by the Downtown Merchants group. The intent is to encourage the turnover of parking on Lincoln Highway from First Street to Fourth Street. With limited on-street parking spaces on the Lincoln Highway corridor between First and Fourth Streets, the existing spaces are prized by shoppers as well as an increasing number of persons employed at the newer shops and businesses in the downtown. The rising number of retail businesses that rely on frequent customer visits are particularly concerned with the current three-hour limit on parking at these on-street spaces. The Downtown Merchants report that their studies show that some cars are not moved at all during an eight-hour work shift.

Regular enforcement would certainly help, but the Community Service Officers that had once patrolled the downtown area are presently committed elsewhere. Enforcement will be needed regardless of the allowable parking time, and arrangements will need to be made to direct some more attention into the downtown area.

One-hour parking limits are not uncommon in small downtown retail strips. Where meters may still exist in other communities, they typically only take enough change for an hour’s legal parking.

**The attached ordinance would change “three hours” to “one hour” in those code sections that refer to the parking “eyebrows” in the core of the downtown commercial area, from 6:00 a.m. to 6:00 p.m. This change does not include parking on Second or Third Streets, either north or south of Lincoln Highway, and should not inconvenience evening diners.**

In order to ease business owners and their employees into this new approach, Section 51.19 “Penalties” will also be revised to specifically reduce the “windshield” ticket to \$5.00 for a failure to move one’s vehicle after an hour’s parking on the “main drag.”

**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**

None.

**P. ADJOURNMENT**

**[REGULAR AGENDA PACKET – APRIL 25, 2022](#)**