



**DEKALB CITY COUNCIL AGENDA
REGULAR MEETING
JUNE 12, 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

1. [Appointing Bill Cummings to the DeKalb Public Library Board for a Three-Year Term through June 30, 2026.](#)
2. Reappointing Pat Fagan to the Police Pension Board for a Two-Year Term through May 31, 2025.

G. CONSENT AGENDA

1. [Minutes of the Regular City Council Meeting of May 22, 2023.](#)
2. [Accounts Payable and Payroll through June 12, 2023, in the Amount of \\$3,061,943.22.](#)
3. [Investment and Bank Balance Summary through April 2023.](#)
4. [Year-to-Date Revenues and Expenditures through April 2023.](#)
5. [City of DeKalb Police Department Report – May 2023.](#)

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. PUBLIC HEARINGS

None.

I. CONSIDERATIONS

None.

J. RESOLUTIONS

1. Resolution 2023-064 Approving a Settlement Agreement to Allow for the Demolition of 825 Pleasant Street Using Illinois Housing Development Authority (IHDA) Funding.

City Manager's Summary: As Jennifer Yochem, Community Services Coordinator, writes in her background memorandum, the approval of this ordinance between the City and the owner of a vacant and condemned house at 825 Pleasant Street allows the City to demolish the house with funds which will be reimbursed to the City. On April 24, the Council approved a six-month extension for the use of Strong Communities Program (SCP) grant monies for the demolition of condemned residential properties. The SCP program is championed by the Illinois Housing Development Authority (IHDA), which provides funding for communities to remove blighting conditions that diminish property values and offer "attractive nuisances" for persons bent on mischief. At the time of the extension, about \$63,000 remained from the original City grant authorized in February 2021. It should be noted that Community Services Coordinator Jennifer Yochem has applied for further funding from this successful program in response to a recent call for grant requests from IHDA's Strong Communities Program.

With the approval of the attached resolution, the City will proceed with the demolition of the condemned house at 825 Pleasant Street and submit the appropriate paperwork to IHDA for reimbursement. The proposed settlement agreement is a "win-win" for the City, the property owner, and the surrounding neighborhood.

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

2. Resolution 2023-065 Approving the Regulation of Traffic for the Purpose of Holding the Northern Illinois University Homecoming Block Party on Illinois Route 38 (Lincoln Highway) Between First Street and Fourth Street on Thursday, October 12, 2023, at 10:00 a.m. through Friday, October 13, 2023, at 6:00 a.m.

City Manager's Summary: The Northern Illinois University (NIU) Homecoming Committee has requested the closure of Illinois Route 38 (E. Lincoln Highway) between First Street and Fourth Street from Thursday, October 12, 2023, at 10:00 a.m. to 6:00 a.m. on Friday, October 13, 2023, for a Homecoming Block Party. The closure would facilitate an expanded parade route and more downtown activities and is the result of planning that has been ongoing since last year's reinvigorated downtown homecoming festivities in honor of the 115th NIU homecoming event.

As Management Analyst Scott Zak writes in his background memorandum, the large turnout and positive community spirit generated last year led to conversation about relocating the block party to Lincoln Highway to provide more space for the car show and a Kids' Zone while allowing departments from NIU to join the event. Equally important, the move will make it much easier for downtown businesses to participate with sidewalk sales, outdoor dining and

Huskie Host Specials, something that was difficult when the activities were off Lincoln Highway.

Relocating the block party to Lincoln Highway in the fall of 2023 will also allow the unveiling of a Victor E. Huskie statue to be incorporated into the pep rally. The statue will be installed on the pedestal Public Works created last summer using the former fountain on the southeast corner of Second Street and Lincoln Highway.

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

K. ORDINANCES – SECOND READING

1. Ordinance 2023-022 Amending Chapter 52 “Offenses Against Public Peace – Safety And Morals”, Section 52.02 “Disorderly Conduct”, Section 52.130 “Parental Responsibility”, and Section 52.411 “Nuisance Gathering”.

City Manager’s Summary: On May 22, the Council approved the attached ordinance on first reading by a vote of 5-3, and deferred a second reading so local residents and businesses could have more time to consider the merits of the proposed amendments to Chapter 52. The impetus for the ordinance was a sharp rise in offenses and threatening behavior by high school-aged juveniles that might be more constructively adjudicated in a local administrative hearing process rather than the circuit court.

Since the Council discussion of May 22, groups of juveniles have caused major disturbances involving multiple police agencies on May 25 (N. Annie Glidden Road and Pappas Drive), May 26 (7-Eleven, Pappas Drive and Varsity Boulevard), May 29 (Regent Drive), and May 30 (Pappas Drive and Hopkins Park). The Hopkins Park melee was the most egregious. A large fight broke out as the Hopkins Park pool was closing. An estimated 20-30 juveniles were engaged in the punching and fighting, and close to 100 juveniles and some adults were disorderly in the pool parking lot. Several parents were charged with obstructing and several juveniles were arrested for battery. All available Police Officers from DeKalb, Sycamore, the County Sheriff’s Office, and Cortland responded. Since the fight at Hopkins Park, mobile units working with the Park District have been more present, have engaged juveniles on a person-to-person basis, and have worked with the parents or guardians of those juveniles who seem to be most responsible for inciting their peers.

Two proposed revisions were the focus of the Council discussion on May 22:

- a. The revision of Section 52.130, “Parental Responsibility,” of Chapter 52, “Offenses Against the Public Peace, Safety and Morals” to add a new subsection 52.130-5, “Parental Responsibility for Actual Damages Caused by a Minor.”

These provisions are currently in place under the Illinois Parental Responsibility Law, 740 ILCS 115/1, et seq. and can be pursued whether or not the Council approves the proposed revision to Section 52.130 of the DeKalb Municipal Code.

The state statutory provisions provide a civil remedy for victims of damage to their person or property against parents whose minor children commit willful and malicious acts in violation of the public peace. The state provision does not apply to minors who are not residing with their parents. The “civil remedy” is the payment of actual damages created by a minor to persons or property, but only after a court has adjudicated the alleged violation and found the minor guilty. The victim might be eligible to recover up to \$20,000 in actual damages for personal damage (e.g., medical bills resulting from assault) or

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.

property damage (e.g., restoration of damages to a house or vehicle). Additionally, the victim could be eligible for reasonable attorney's fees up to \$15,000. Governmental units may qualify for such damages, as can any proven victim or legal entity.

The purpose of the city ordinance revision was three-fold:

- The Agenda topic was intended to engender a very public conversation about parental responsibility for a recent upsurge in bullying and threatening behavior by high school-aged juveniles. This was accomplished in recent days. Although evoking strong emotions on both sides of the issue, the conversation has been constructive in getting adults to look harder at their roles in both encouraging and responding to disorderly conduct by minors.
- The new local ordinance violation adopting the Illinois Parental Responsibility Law was intended to provide an alternative administrative procedure and local enforcement mechanism to prevent the recent disturbing trend in juvenile misconduct. Under the Illinois Parental Responsibility Law, parents would have to defend a civil action in the circuit courts, which could be costly and time-consuming. Moreover, the Illinois Parental Responsibility Law does not expressly provide for community service as an alternative remedy for its civil liability. By contrast, the proposed local ordinance violation provides an alternative to the circuit courts which allows for community service in lieu of restitution and an efficient, fair, just and cost-effective procedure that is intended to enforce the purpose of the Illinois Parental Responsibility Law.
- The Agenda topic was written to suggest the importance of the continuous duty of parents to exercise reasonable control to prevent juveniles under the age of 18 from committing delinquent acts. In this regard, more could have been made of the City's current alternative to prosecution of parents under state criminal laws: the "COMPASS" program, as defined in Section 52.130 of the Municipal Code and referenced in the May 22 Agenda background.

The COMPASS ("Changing Outcomes by Making Parents Accountable") program was created in about 2016 after a similar spate of very public, threatening behavior by groups of juveniles. The program's purpose is to intervene in an effort to prevent first-time juvenile offenders from becoming repeat offenders, or from becoming involved in more serious crimes, by reinforcing parental responsibility.

The program has several thresholds. After the first occurrence, an Officer meets with the juvenile offender and parent(s) and provides a COMPASS notice to the parent(s) detailing the offense and circumstances (see attached). The COMPASS notice is a warning to the parent(s). The juvenile who receives an ordinance citation for delinquent behavior will separately go before the City's administrative hearing officer and will be assigned to community service. At this stage, the juvenile is not fined unless the juvenile does not appear for their hearing or fails to provide notice to the City that exigent circumstances (e.g., COVID) prevented them from attending the hearing.

After a second or repeat occurrence within a rolling 12-month period, there is a detailed, in-person review involving the parent(s) and a trained Juvenile Officer. If mutually satisfactory, the Officer and parent(s) may enter a compliance agreement outlining steps the parent(s) can take to avoid further offenses. The parent(s) will also be required to attend a juvenile intervention training conducted by the City Police Department and representatives of local social service agencies in a format acceptable to the Police Chief.

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.

For third or additional juvenile offenses within a rolling 12-month period, the parent(s) could be charged with a violation of the Parental Responsibility provisions.

As a complement to the COMPASS program, the City must assume a significant responsibility in terms of time and effort for linking juveniles with community service options that are meaningful and inspire a stronger sense of responsibility for one's behavior. In the days since the Council discussion on May 22, Community Services Coordinator Jennifer Yochem has successfully reached out to numerous local social service agencies to re-invigorate and expand the community service options. The agencies that Jennifer has contacted are willing to provide community service work of 15 hours or more (the typical range imposed by the administrative hearing officer) at such locations as local food banks, etc.

- b. The addition of a new Section 52.04, "Failure to Provide Identity for a Violation Notice." If probable cause exists for an Officer to issue an ordinance citation, then the correct identification of the offender is essential to issue an ordinance violation. If the potential offender is a juvenile, then the correct identification is essential to identify said person as a juvenile, engage the parents, and respond accordingly. It may also help prevent officers from having to detain and process potential offenders at the Police Department, which is both a drain on the City's resources and an imposition on the potential offenders. Moreover, the proposed local ordinance violation should not affect a potential offender's constitutional right against self-incrimination because a potential offender cannot be imprisoned for violating the proposed local ordinance violation. Furthermore, the United States Supreme Court previously upheld a virtually identical Nevada law, which prohibited, as a criminal offense, the failure to provide identification to a peace officer.

Finally, the proposed ordinance amends the City's ordinance violations for disorderly conduct to prohibit unruly gatherings and the same disorderly conduct that is prohibited as a criminal offense under State law. This provides an essential, non-criminal enforcement mechanism to better prevent, deter and combat the aforementioned unruly juvenile gatherings and disturbances.

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

L. ORDINANCES – FIRST READING

- 1. Ordinance 2023-023 Approving a Plat of Dedication for the Kimberly Drive Right-of-Way Improvements from Delta Nu House Corporation for \$7,300 (917 Kimberly Drive; PIN 08-015-176-008).**

City Manager's Summary: As City Engineer Zac Gill writes in his background memorandum, the City completed a "segmentation" of Edgebrook Drive last fall between Blackhawk Road and Normal Road to eliminate through traffic and create "hammerhead" and "cul-de-sac" turnarounds in order to establish more common area and green space for adjacent renters to enjoy. The attached ordinance would purchase a minor right-of-way from the owners of 917 Kimberly Drive to afford the necessary space for a similar turn-around as a companion "segmentation" project for Kimberly Drive is launched this summer. Specifically, a full semi-circular turnaround will be installed at the east end of the project if this right-of-way acquisition is approved. The purchase price is \$7,300 for about two-tenths of an acre.

City Council approval of the Plat of Dedication and the attached ordinance on both readings is recommended. [\(click here for additional information\)](#)

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.

M. REPORTS AND COMMUNICATIONS

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

N. EXECUTIVE SESSION

- 1. Approval to Hold an Executive Session in Order to Discuss the Purchase or Lease of Real Property as Provided for in 5 ILCS 120/2(c)(5).**
- 2. Approval to Hold an Executive Session in Order to Discuss the Sale or Lease of Real Property as Provided for in 5 ILCS 120/2(c)(6).**

O. ADJOURNMENT

REGULAR AGENDA PACKET FOR
JUNE 12, 2023