



**DEKALB CITY COUNCIL AGENDA  
REGULAR MEETING  
AUGUST 14, 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 Andrea Dahlberg to the DeKalb Public Library Board for the Completion of a Three-Year Term through June 30, 2026.](#)
2. [Appointing Betsy Zimmerman to the DeKalb Public Library Board for the Completion of a Three-Year Term through June 30, 2026.](#)

**G. CONSENT AGENDA**

1. [Minutes of the Regular City Council Meeting of July 24, 2023.](#)
2. [Minutes of the Joint Review Board Meeting of April 28, 2023.](#)
3. [Accounts Payable and Payroll through August 14, 2023, in the Amount of \\$2,172,473.59.](#)
4. [Investment and Bank Balance Summary through June 2023.](#)
5. [Year-to-Date Revenues and Expenditures through June 2023.](#)
6. [Crime Free Housing Bureau Report – July 2023.](#)

**H. PUBLIC HEARINGS**

None.

## I. CONSIDERATIONS

### 1. Consideration of Proposed Route Upgrades to the City of DeKalb's Public Transit System.

The City of DeKalb's Transit staff are proposing route changes to begin on August 22 with the start of the Northern Illinois University (NIU) Fall semester, with an accompanying increase in transit service hours. The impacted routes include the following:

- **Route 12 (Elburn Line)**
  - Increases runs to the Elburn Metra station from 10 trips on weekdays to 13.
  - Includes additional evening service.
  - Removes the low-use Route 12 stop in Cortland to streamline the route.
- **Cortland Dial-a-Ride Service**
  - Offsets removal of Route 12 Service to Cortland.
  - Creates a Dial-a-Ride zone encompassing areas of the DeKalb Urbanized Area including areas of DeKalb and Cortland not served by fixed routes.
  - Open to all non-paratransit trips requests within the zone.
  - Service outside the zone would require a transfer to fixed routes.
  - Transfer points for this service will take place at Walmart and the existing bus shelter at Seventh Street and Locust Street in DeKalb.
- **Route 19 (South DeKalb / Park 88 / Chicago West Line)**
  - Increases route times to operate 24/7 to better accommodate labor force demands.
  - Eliminates 19E and 19S patterns to maintain standardized route times.
  - Eliminates service on Hillcrest Drive between Normal Road and N. First Street due to low ridership and to maintain consistent service times.

The cost of these service increases is estimated to be \$380,000 annually and will be paid through FTA grants and State of Illinois transit operating assistance grants. Further detail is provided by Transit Manager Mike Neuenkirchen in the agenda background. In the aggregate, the proposed changes would generally offer **expanded service at no additional cost to riders**.

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

## J. RESOLUTIONS

### 1. Resolution 2023-076 Authorizing an Intergovernmental Agreement with the State of Illinois Department of Transportation for the SFY2024 Downstate Operating Assistance Agreement in the Amount of \$6,282,800.

City Manager's Summary: As Transit Manager Mike Neuenkirchen writes in his background memorandum, the approval of this resolution authorizes the Transit Manager to execute a Downstate Operating Assistance Agreement between the Illinois Department of Transportation (IDOT) and the City of DeKalb to provide transit operating funds under IDOT's Downstate Operating Assistance Program (DOAP) for State Fiscal Year (SFY) 2024 (July 1, 2023 – June 30, 2024).

The Illinois DOAP grant annually provides 65% of eligible expenses to the maximum amount of the contract, which is \$6,282,800 for the 2024 State Fiscal Year. DOAP funding is the primary source of reimbursement for the Transit program's expenses, with Federal 5307 and NIU funding used as the primary sources of matching funds.

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

**2. Resolution 2023-077 Authorizing the Waiver of Competitive Bidding and Approving the Purchase of Structural Firefighting Gear from Air One Equipment, Inc. in the Amount of \$30,429 Plus Shipping.**

City Manager's Summary: The National Fire Protection Association (NFPA) standards require the replacement of fire turnout gear every 10 years. The current turnout gear for seven firefighters expires in 2023. Additionally, two newly hired firefighters in 2023 need gear. As a result, the Fire Department needs to purchase nine sets of fire turnout gear. Air One Equipment, Inc. is the sole provider of the Globe Brand that the Fire Department has purchased in previous years.

The gear purchase was anticipated in the FY2023 Fire Department Operations budget (100-25-28-52800).

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

**3. Resolution 2023-078 Approving a Liquor Production Liquor License for Byer's Brewing LLC, d/b/a Byers Brewing Company, for the Location at 216 N. Sixth Street.**

City Manager's Summary: Byers Brewing, established in 2019, is requesting a second Liquor Production liquor license for a production-only site at 216 N. Sixth Street. This site formerly housed Forge Brewery, which closed its doors in December of 2022. If approved, the license will be considered "conditional" until the requirements laid out in the resolution are met, which includes receipt of their State of Illinois liquor license and the approval of the required background check of an additional owner. Non-refundable fees for the liquor license application, Fire Life Safety inspection, and the additional background investigation have been paid.

In accordance with Chapter 38, "Intoxicating Liquors", of the DeKalb Municipal Code, an initial fee upon approval is not required for a Liquor Production liquor license. The licensing term for this type of license begins January 1 and ends on December 31, with an annual renewal fee of \$1,678. If approved, the license will be issued within the last six months of the licensing term, making the license-holder eligible for a 50% reduction upon renewal in December of 2023.

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

**4. Resolution 2023-079 Authorizing an Architectural Improvement Program Economic Incentive for 255 E. Lincoln Highway in the Amount of \$22,790 (Thai Pavilion).**

City Manager's Summary: Samuel Wong, a DeKalb resident and the owner of the Thai Pavilion at 255 E. Lincoln Highway, has applied for a TIF grant through the Architectural Improvement Program (AIP). Mr. Wong is substantially remodeling his restaurant and building, including the upgrading of his broad storefront, exterior tuckpointing, window replacement, exterior painting, the refinishing of floors, new stairs, enhanced exterior lighting, and a new accessible entryway. The overall estimated cost is \$54,510. The request is for \$22,790.

The AIP program provides up to \$25,000 in matching funding on a percentage basis relating to the project impact and qualified improvements. Elements of the project are placed within a three-tier system that provides matching funds on a percentage basis. A 50% reimbursement rate is assigned to eligible major capital improvements, including ADA improvements. A 25% reimbursement rate is assigned to eligible minor capital improvements. A 10% reimbursement rate applies to the costs of deferred maintenance. Funding is subject to final approval by the

City Council and is provided as a forgivable loan (e.g., the City “forgives” 20% of the value of the matching funds each year). This agreement also stipulates the applicant has one calendar year from the time of grant approval to complete the work.

**City Council approval is recommended.** If approved, this expenditure would bring the FY2023 year-to-date TIF AIP commitment to \$47,790.00. ([click here for additional information](#))

**5. Resolution 2023-080 Authorizing the Purchase and Equipping of Six 2023 Ford Police Interceptors from Sutton Ford of Matteson at the Illinois Central Management Services Contract Pricing in an Amount Not to Exceed \$312,950.**

City Manager’s Summary: As Deputy Police Chief Leverton writes in his background memorandum, the FY2023 Capital Equipment Replacement Fund (Fund 420) includes funding for six Ford Police Interceptors. Two were carried over from the FY2022 budget when Ford canceled the remainder of the Police Department’s FY2022 order in October 2022. The Police Department typically replaces four front-line vehicles each year. This purchase would fulfill the original 2022 order for two additional vehicles and the 2023 order for four vehicles, for a total of six.

The proposed vehicle purchases are funded from Fund 420, the Capital Equipment Replacement Fund. Both the Police vehicles and upfitting items are all included in line item 420-00-00-87010. The price of each vehicle from Sutton Ford is \$40,350, which does not include the title and license fee or delivery. Necessary upfitting items, primarily from CDS and Ray O’Herron’s, are listed below, with installation by a combination of City mechanics and established vendors.

Six 2023 Ford Police Interceptors	\$242,100
License & Title Fees	\$ 1,050
Delivery Fee	\$ 1,800
Upfitting Costs: Computer & Camera Systems w/ Installation	\$ 38,000
<u>Upfitting Costs: Emergency Lighting, Cages, Radios &amp; Striping w/Installation</u>	<u>\$ 30,000</u>
Net Cost to City	\$312,950

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

**K. ORDINANCES – SECOND READING**

None.

**L. ORDINANCES – FIRST READING**

**1. Ordinance 2023-026 Authorizing the Acquisition through Condemnation of Fee Simple Title to the Property Located at 128-140 S. Second Street (PIN 08-23-163-013).**

City Manager’s Summary: On July 10, the Council considered and tabled the attached ordinance, which was originally considered on June 26, at which time the Council postponed action to gather further public opinion. Before tabling the matter on July 10, the Council understood that the owner of the property at 128-140 S. Second Street was willing to permit a licensed appraiser hired by the City to perform a full property inspection – both internal and external – in order to arrive at a qualified opinion of the property’s value.

Following the July 10 Council meeting and after negotiation between the City Attorney and Mark Doherty, counsel for the property owner D-N-J Properties, Inc., it was agreed that the

City's appraiser would be able to perform the valuation service on July 26 at 1:30 p.m. The City hired Colliers International Valuation and Advisory Services of Chicago, Illinois to perform the appraisal. The firm assigned the responsibility to Michelle Lee, who is the Valuation Services Director for Colliers' Midwest regional service area. Her territory includes Illinois, Indiana, Iowa, Minnesota and Wisconsin. Ms. Lee received her Bachelor of Science degree in Architectural Studies from the University of Illinois in Champaign, Illinois and her Masters of Business Administration with a specialty in Real Estate Finance and Investment from DePaul University's Kellstadt Graduate School of Business in Chicago, Illinois.

**The appraisal prepared by Ms. Lee after her inspection of the property on July 26 established \$370,000 as the "as-is market value" of the property at 128-140 S. Second Street. A copy of the full report is attached for the Council's review.**

On July 6, Mr. Doherty made a counteroffer of \$475,000 on behalf of his client, D-N-J Properties. Curiously, the appraisal performed by D-N-J Properties dated July 12, 2023, referenced a "pending offer" of \$596,250 (p. 6) without other detail. The property is also listed through the Multiple Listing Service (#11800356) for \$795,000.

The City's licensed appraiser, Michelle Lee, has prepared an accurate and professional valuation of \$370,000, which is based on qualified comparable sales and a careful building assessment.

**The City Manager recommends the following:**

- a. As an alternative to the contentious discussions to date, the City has established an independent third-party valuation. The City Manager recommends that the City formally offer this valuation as a fair metric for determining the market value of the property at 128-140 S. Second Street.
- b. If D-N-J Properties does not reject the City's offer but asks to negotiate on the premise that the parties might be able to reach a voluntary acquisition at a fair market cash value, then the City Manager and City Attorney should embrace such negotiations and report on their status at the next regular Council meeting on August 28.
- c. If D-N-J Properties rejects the City's offer and independent metric for determining the property's value, then it is recommended that the Council approve the attached ordinance on first and second reading at the regular City Council meeting on September 11. ([click here for additional information](#))

**2. Ordinance 2023-032 Amending Chapter 51 "Traffic", Section 16 "Parking Trucks", to Prohibit the Parking of Recreational Vehicles on Residential Streets Except During Active Loading and Unloading.**

City Manager's Summary: In the interest of public safety and the resolution of neighborhood disputes that have continued unresolved for months and even years in some instances, the Police Department proposes the prohibition of parked motorized recreational vehicles of any length on residential streets other than during active loading and unloading. Currently, Section 51.16 of the City's Municipal Code prohibits the parking of vehicles longer than 25 feet on residential streets but provides an exception for motorized recreational vehicles. However, recreational vehicles pose a particular hazard due to their size, restricting the view of both motorists and pedestrians.

Extended parking of recreational vehicles on residential streets also inhibits street cleaning and snowplowing. In some cases, parked recreational vehicles remain unmoved for months

on residential streets, attracting animals and chronically removing on-street parking space – often in front of the homes of neighbors rather than the owners of the RVs.

Additionally, the current Ordinance language regarding trucks “bearing a Class D license or above” has been confusing because the intention of the Ordinance is to restrict oversize vehicles and the overall length of vehicles being parked on residential streets to 25 feet; however, it has sometimes been interpreted to mean that any vehicle bearing a Class D license plate or above is prohibited from parking on residential streets. The proposed amended language of the Ordinance also clarifies this point by removing the specification of “Class D license plates and above” and instead referencing semi-trucks and box trucks and any vehicle regardless of license type that exceeds 25 feet in length.

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

**3. Ordinance 2023-033 Approving a Water Service Agreement with Mark Carpenter for 209 Greenwood Acres Drive.**

City Manager’s Summary: As Planning Director Dan Olson writes in his background memorandum, the owner of 209 Greenwood Acres Drive, Mark Carpenter, has requested connection to the City’s water system. The lot is unincorporated as are many of the properties on Greenwood Acres Drive. The City is not under the obligation to furnish water service to properties not in the corporate limits unless through a mutually agreed contractual relationship. The subject property is contiguous to the City via the Kishwaukee Country Club to the west.

There are 13 unincorporated properties along Greenwood Acres Drive that have been connected to the City’s water system over the years as their wells have failed. Eight of them have water service agreements with the City – the most recent agreement was approved in 2022. An aerial map is provided in the background material showing those properties. The past agreements made water service available to the owner and required the owners to annex once their property became contiguous to the City. When the remaining portions of the Kishwaukee Country Club were annexed in 2017, six lots became contiguous and four of them have agreements with the City; however, no annexations have yet occurred.

The City’s Municipal Code requires the owners of unincorporated properties to pay the water fees in effect at the time of connection. Chapter 7 “Water Service” of the Municipal Code requires that water service extended to properties outside the City limits shall be charged at a rate of 1.5 times the rate for the same service in the City. Past City agreements also state that in the event the property is annexed to the City (i.e., forced annexation) the owner shall not object. There is a 10” watermain that runs along the east side of Greenwood Acres Drive that is available for connection.

Mr. Carpenter is agreeable to the conditions outlined above. **City Council approval is recommended.** ([click here for additional information](#))

**M. REPORTS AND COMMUNICATIONS**

1. Council Member Reports.
2. City Manager Reports

**N. EXECUTIVE SESSION**

None.

**O. ADJOURNMENT**