



DEKALB CITY COUNCIL AGENDA
September 14, 2020
6:00 P.M.

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

REGULAR CITY COUNCIL MEETING

COVID-19 Notice: This meeting will be conducted in-person with a physically present quorum and open to the public. The corporate authorities of the City of DeKalb intend to conduct this meeting in compliance with all applicable social distancing and public health requirements. All persons attending this meeting in-person shall be required to wear protective face masks/coverings. Furthermore, the corporate authorities of the City of DeKalb intend to conduct this meeting pursuant to Illinois Governor JB Pritzker's Executive Order 2020-43 dated June 26, 2020 (the "Executive Order"), which prohibits gatherings of more than 50 people, unless the City of DeKalb determines that it is necessary to invoke the Governmental Functions exemption contained in Section 4(c) of the Executive Order "to ensure the operation of government agencies or to provide for or support the health, safety and welfare of the public."

As a convenience to the public, the City of DeKalb may also provide video, audio, telephonic or internet access for the public to monitor this meeting. The provision of any such remote means of access is not intended to provide for attendance by a means other than physical presence due to the COVID-19 public health emergency, nor is it intended to provide an opportunity for the public to address public officials, make public comment or otherwise participate in the meeting.

Persons wishing to provide public comment or otherwise address public officials in person during this meeting must comply with all applicable rules governing the conduct of this meeting including, but not limited to, the aforementioned social distancing and face covering requirements.

The City of DeKalb is providing the following conveniences for the public to monitor and participate in this meeting:

- Persons wishing to view the meeting from home or elsewhere can tune in to Channel 14 or by following the link provided [here](#).
- Persons wishing to provide public comment but are unable to attend the meeting in person or remotely may forward their comments by clicking on the link provided [here](#). Note that all submissions must be received no later than 12:00 p.m. on the day of the meeting in order to ensure dissemination to the City Council before the meeting convenes.
- **Zoom Meeting Information**
Join Zoom Meeting: <https://us02web.zoom.us/j/81595115311?pwd=TFI6VXRSN0tjSzUrbXFGM3FHh3AzQT09>
Meeting ID: 815 9511 5311
Passcode: 030257
One Tap Mobile: +13126266799,,81595115311#,,,,,,0#,,030257# US (Chicago)
- For those participating via Zoom and wishing to comment during the public participation portion of the meeting, or prior to Council's discussion of a particular item, please click on the link provided [here](#) and add in the Comment Section that you wish to address Council verbally. Note that all submissions must be received no later than 12:00 p.m. on the day of the meeting in order to ensure your name is added to the list of remote speakers.

A. CALL TO ORDER AND ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. APPROVAL OF THE AGENDA

D. PUBLIC PARTICIPATION

E. PRESENTATIONS

1. **Facebook.** Matt Sexton, Facebook's Central Region Development Regional Manager, will be introduced and will share information about his role and the Company's Community Action Grants Program. Mr. Sexton also supports Facebook's data center communities in Papillion, Nebraska and Altoona, Iowa where he lives with his wife, Eden, a Seventh Grade English teacher. Prior to joining Facebook, Mr. Sexton worked for Members of the U.S. House of Representatives and the U.S. Senate.

F. APPOINTMENTS

None.

G. CONSENT AGENDA

1. [Minutes of the Regular City Council Meeting of August 24, 2020.](#)
2. [Accounts Payable and Payroll through September 14, 2020 in the Amount of \\$2,755,301.98.](#)

H. PUBLIC HEARINGS

None.

I. CONSIDERATIONS

None.

J. RESOLUTIONS

1. **Resolution 2020-097 Approving the Proposal from Pappas Development for the Redevelopment of the Former City Hall Property at 200 S. Fourth Street.**

City Manager's Summary: At the Committee of the Whole meeting on August 10, the City Council considered three different redevelopment proposals for the former City Hall property at 200 S. Fourth Street. The Council background detailed the narrative and pricing portions of all three proposals and this information was posted on the City's website. Several Council members expressed interest in holding ward meetings on this topic, so further consideration was deferred.

The attached resolution would approve the proposal submitted by Pappas Development. All proposals were in response to a formal Request for Proposals that

was released to the public on June 24, inviting responses no later than 5:00 p.m. on Monday, July 20.

The RFP asked for both a conceptual redevelopment proposal (Part A) and a financial proposal (Part B). Under Part A, a narrative section was requested that would:

- a. Adequately address the project objective and the general scope of the redevelopment proposal.
- b. Describe the firm's professional personnel and their qualifications, including resumes of the person(s) directly involved in the project. An organizational chart revealing the firm's size and the place of the team members within the organization could be appended, if desired.
- c. Provide a list of current and recent projects that demonstrated the team's experience in redevelopment projects of this nature.

Under Part B, a financial proposal was requested that would include:

- a. the firm's purchase offer for the entire 2.5-acre City Property; and
- b. any TIF assistance which in the firm's judgment will be necessary to advance the redevelopment proposal.

All interested firms were invited to consult with the City Manager concerning TIF eligibility prior to submitting their proposal. The former City Hall property is in TIF #3.

All bidders were alerted to the fact that Part B would not be the only factor in the evaluation of proposals leading to the selection of the top candidate. How the proposed project design would blend into the mixed neighborhood at Fourth and Grove was another important factor. However, the fact that the site has been off the tax rolls since the mid-1960s and the current EAV is \$0.00 means that any private redevelopment will generate considerable new incremental property tax from the start.

The three proposals received by the July 20 deadline were detailed in the City Manager's background for the August 10 COW agenda and the information is not replicated here. However, some illustrative tables are provided for the Council's reference, below:

Irving Construction.

Financial Proposal

- **A purchase offer for the City's 2.5-acre property of \$9,000.**
- **A TIF funding request of \$1,611,674 to be paid out over 3 years, at \$350,000 in year 1, \$630,837 in year 2, and \$630,837 in year 3.**
- Waiver of all impact fees including the City, School District, Park District, and KWRD.

- Waiver of the City’s water capital fee.
- Waiver of all planning and engineering fees, including rezoning, P.U.D., and subdivision fees.
- A limitation of \$500 per housing unit for any building plan review or inspection costs, with a total payment for all building fees upfront, prior to the start of any construction on the site.
- If required, the City would pay for any Phase I environmental study.

Per square foot, residential development generates more TIF increment than any other type of construction. Warehouse development might be built in the \$50 to \$55 per square foot range. Mr. Irving’s concept plan envisions a construction value of about \$140.00 per square foot. The resulting EAV and tax increment is shown in the table below:

Irving Construction – Prime Proposal	
Total Estimated Project Cost (incl. demo and site work)	\$4,605,050
Total Number of Residences (to be owner-occupied)	18
Square footage of each Two-Story Residence	1188.00
Construction Cost per Square Foot	\$140
Full Market Value per Residence	\$166,320
Total Market Value Upon Full Build-out	\$2,993,760
Total EAV Upon Full Build-out	\$997,920
Prop Tax per year for 18 units on full build-out (x .1186)	\$118,353
Prop Tax for 20 years allowing 0% increase in increment per year	\$2,367,066

James C. Mason Development.

Financial Proposal

- **A purchase offer for the property of \$400,000.**
- **A TIF request of \$636,000 primarily for the rehabilitation of the former City Hall:**
 - Roof replacement: \$118,000;
 - Upgrade and repair of HVAC system: \$357,000;
 - Excavation of the paving and the installation of new utilities: \$111,000; and
 - Landscaping: \$50,000.
- The assurance of a “static real estate tax,” based on his rental pricing, by all local taxing bodies. Specifically, he is requesting an annual property tax cap of \$2,150 per residential unit (equivalent to 6.5 weeks of rent) or \$23,650 per year for 15 years.

The breakdown of the developer’s financial proposal is summarized below:

- Private equity will fund the construction of the eleven (11) residential rental units for approximately \$1,700,000. No TIF money is requested for the construction of the private residences.
- At a market value of \$1.7 million, the new residences would have an EAV of \$566,667 at full build-out.
- The annual property tax generated by the 11 residences at an EAV of \$566,667 would be \$67,207 upon full build-out and full assessment.
- Over a term of 15 years (the developer’s timeframe), a conservative estimate of the property tax increment for the residences would be \$1,008,105, assuming no growth in the annual EAV thereafter.
- The type of commercial tenants and the uses intended for the former City Hall were not specified, but the developer assumes an annual tax revenue of \$16,667 per year within 2-4 years of the remodeling. This would be \$249,990 over the fifteen-year amortization term proposed by the developer.
- **Total estimated property tax impact over 15 years: \$1,258,095.**

Pappas Development.

Financial Proposal

- **A purchase offer for the City’s 2.5-acre property of \$600,000.**
- **A TIF funding request of \$750,000 to cover only demolition, underground utilities, sidewalk improvements, and other TIF-eligible costs. No TIF funds are requested for land acquisition.**

The financial impact of this proposal is further detailed in the table that follows:

Pappas Development	
Total Estimated Project Cost (incl. demo and site work)	\$7,000,000
Total Number of Residences (rental)	78
Square footage of each rental unit	600
Construction Cost per Square Foot	\$125
Full Market Value per Residence	\$68,102
Total Market Value Upon Full Build-out	\$5,311,974
Total EAV Upon Full Build-out	\$1,770,658
Prop Tax per year for 78 units on full build-out (x .1186)	\$210,000
Prop Tax for 20 years allowing 0% increase in increment per year	\$4,200,000

The three proposals are compared in the table below:

REDEVELOPMENT PROPOSALS, 200 S. FOURTH STREET					
Developer	Purchase Offer	TIF Request	Market Value Upon Full Buildout	EAV Upon Full Buildout	Tax Increment per Year After Full Buildout
Irving Construction	\$9,000	\$1,611,674	\$2,993,760	\$997,920	\$118,353
James C. Mason Development	\$400,000	\$636,000	\$1,700,000	\$566,667	\$67,207
Pappas Development	\$600,000	\$750,000	\$5,311,974	\$1,770,658	\$210,000

Recommendation

After reviewing the comparative fiscal impacts of the three proposals, and considering market appeal, **the City Manager recommends the proposal submitted by Pappas Development.** A revised elevation is attached. Mr. Pappas has identified a market that did not exist in the downtown three years ago and has successively borne the risk in proving its worth. Fully furnished, secure, executive suites are fully-leased at Cornerstone and Plaza DeKalb by young professionals, NIU staff, corporate representatives from a number of newer businesses in the DeKalb area, and middle-class retirees looking for clean, secure, modern rental space with amenities. Pappas Development has the experience, financial capacity, and construction team to complete the project as proposed. ([Click here for additional information](#))

- Resolution 2020-098 Authorizing the Award of a Contract to Triggs Construction, Inc. in the Amount of \$121,075.50 for Sidewalk Replacement on Seventh Street and Normal Road, Including Various Other Minor Segments, with Staff Authority to Approve Change Orders Up to a Combined Project Total of \$200,000.**

City Manager's Summary: On July 27, the Council approved an IDOT resolution (Resolution 2020-079) dedicating \$250,000 in unexpected MFT Funds toward sidewalk improvements primarily adjacent to roadways that were designated for re-surfacing in 2020. These roadways included Normal Road and N. Seventh Street.

Following Council action, City Engineer Zac Gill prepared bid documents and fast-tracked a bid process that resulted in the following responses by August 28:

Company Name	Base Bid
Triggs Construction	\$121,075.50
O'Brien Civil Works	\$168,783.70
Alliance Contractors	\$169,917.00
Landmark Contractors	\$192,618.25
Elliott & Wood	\$219,500.00

Because the unexpected MFT allocation of \$250,000 allows for additional work on scattered City sites, the City Engineer is requesting (a) the award of the base contract

to the low-bidder, Triggs Construction and (b) an allowance up to \$200,000 to catch up on other public sidewalk repairs as weather permits this Fall.

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

- 3. Resolution 2020-099 Authorizing a Professional Services Agreement with Civil Engineering Services, Inc. (C.E.S.) for the Engineering Design of Afton Road in an Amount Not to Exceed \$95,000.**

City Manager's Summary: The design and construction of Afton Road, running north and south between Gurler Road and Keslinger Road along the east boundary of the Facebook campus, was an integral part of the Facebook approval process. To date, the Council has approved the right-of-way acquisitions involving four farm owners, and preliminary surveying. The attached resolution awards the contract for the detailed engineering design to C.E.S. Engineering which has completed the surveying work and has been working with the adjacent farm owners on a variety of drainage questions. Funding for this project is provided by the Rebuild Illinois Bond allocation supported by State Representatives Tom Demmer and Jeff Keicher.

Upon completion, the design will portray a rural road with a 24-foot pavement width, aggregate shoulders, pre-fabricated culverts and grass drainage ditches. The road design is identical to the Crego Road section that has been de-commissioned with the creation of the Facebook campus.

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

- 4. Resolution 2020-100 Authorizing an Expenditure from the Local Allocation of REBUILD ILLINOIS Bond Revenues for Afton Road Right-of-Way (ROW) and Engineering in the Amount of \$400,000.**

City Manager's Summary: On July 13, the Council approved Ordinance 2020-045 which amended the City's Motor Fuel Tax Fund (Fund 210) to add \$967,250.08 of MFT-based Rebuild Illinois bond revenue to the City's Fund 210 reserves for upcoming bridge projects and other approved purposes. That same ordinance specified that the City intended to spend about \$400,000 on the right-of-way acquisitions for Afton Road and the engineering services described in the preceding resolution.

The attached resolution is the State of Illinois (IDOT) counterpart of this action. It specifically allows the City to allocate \$400,000 in MFT funds toward the Afton Road ROW acquisition and engineering. City Council approval is recommended.

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

- 5. Resolution 2020-101 Authorizing a Transit Services Provider Agreement with Transdev Services, Inc. to Provide Paratransit and Deviated Flex Route Services for the City of DeKalb and the DeKalb Urbanized Area from January 1, 2021 through December 31, 2023.**

City Manager's Summary: As a recipient of Federal Transit Administration (FTA) and Illinois Downstate Operating Assistance Program (DOAP) funding, the City of DeKalb

is required to perform a competitive search for transit services. The current three-year agreement between the City of DeKalb and the Voluntary Action Center (VAC) for paratransit and deviated flex route services expires on December 31, 2020, so in keeping with federal guidelines a Request for Proposals was released on May 27 with a due date of July 30. The City received three proposals in response to RFP Transit-2020-01 & Transit-2020-01.5. According to federal guidelines, a panel was organized to review the proposals that included the following:

NIU:

- Associate Director, Disability Resource Center

DSATS (DeKalb Sycamore Area Transportation Study):

- DSATS Director (County Highway Engineer)

City of DeKalb:

- Director of Utilities, Engineering & Transportation
- Community Services Coordinator
- Transit Planning & Grants Coordinator

The proposals received by July 30 are detailed below:

Transdev Services Inc.	Year 1	Year 2	Year 3	Total
Total Annual Expense	\$2,811,489.92	\$2,764,635.33	\$2,890,691.87	\$8,466,817.12
Combined Hourly Rate	\$72.42	\$71.21	\$74.46	\$72.70

B Jays Transportation	Year 1	Year 2	Year 3	Total
Total Annual Expense	\$2,871,150.00	\$2,915,796.00	\$3,127,992.00	\$8,914,938.00
Combined Hourly Rate	\$73.95	\$75.10	\$80.57	\$76.54

Voluntary Action Center	Year 1	Year 2	Year 3	Total
Total Annual Expense	\$3,184,919.00	\$3,291,189.00	\$3,402,259.00	\$9,878,367.00
Combined Hourly Rate	\$82.04	\$84.77	\$87.64	\$84.82

The review panel evaluated the three proposals based on the following criteria:

1. Firm Qualifications (50 Points)
2. Organization and Staffing Plan (50 Points)
3. Operating Methodology (40 Points)
4. Professional References (10 Points)
5. Price Proposal (50 Points)

The panel's ratings are shown in the table below:

	Maximum Points	B Jays Transportation	Transdev Services	Voluntary Action Center
Firm Qualifications	50	19.20	44.80	42.00
Organization & Staffing Plan	50	22.20	43.60	39.20
Operating Methodology	40	27.20	36.40	35.60
Professional References	10	6.80	10.00	10.00
Price Proposal	50	31.25	50.00	30.00
Total Score	200	106.65	184.80	156.80

On the basis of the bid breakdown, Transdev Services, Inc. has been recommended by the review panel, the Director of Utilities, Engineering & Transportation, Bryan Faivre, and by the City's Transit Manager, Marcus Cox.

Transdev is an international, multimodal transportation company that operates in 20 countries on 5 continents and serves over 200 cities and communities within North America. It operates fixed route, paratransit, non-emergency medical transportation, autonomous vehicles, and university shuttles. Despite such a large footprint, Transdev is familiar with the DeKalb Urbanized Area. The company maintained an operating contract with NIU from 1971 through 2018, providing fixed route and paratransit services on campus and throughout the community. On January 1, 2019, Transdev Services Inc. entered into a transit service provider agreement with the City of DeKalb to provide fixed route services within the DeKalb Urbanized Area.

Transdev Services Inc. proposed a number of technological enhancements that will benefit the passengers and the system, including Ecolane, a paratransit and non-emergency medical transportation scheduling, dispatching, and routing software that allows dispatchers to communicate with drivers and passengers. Ecolane also offers an SMS text feature that will provide real-time information to passengers informing them of estimated vehicle arrival times including ride reminders the day before. Additional Ecolane options include a feature for passengers to book on-demand trips through the Ecolane mobile application. Passengers will also be able to book trips one day in advance and will no longer be required to call days ahead of time to schedule a trip. In addition, passengers will be able to choose whether to book their ride through an automated system or by speaking with a Customer Service Representative. Finally, Transdev has proposed an extensive startup schedule to successfully ensure a smooth transition between providers with no impact on the passenger or community.

Three Transdev representatives will be available at the September 14 Council meeting to answer any questions the Council may have. The Transdev representatives will include Senior Vice President of Business Development, W.C. Pihl, Vice President of Business Development, Sean Powers, and Huskie Line General Manager, Melissa Ohrwall.

Recommendation

The City of DeKalb's overall transit system, including fixed route services that used to be known as the Huskie Line as well as the paratransit services long-provided by VAC, is heavily subsidized by state, federal and NIU sources. The City's General Fund pays no monies toward this multi-faceted program. The Council should be aware that the required RFP described above has led to recommendations by the review panel, the City's transit staff, and the City's transit consultant (Bourne Transit Consulting, LLC) which do not support the continued funding of the paratransit and deviated route services provided by VAC within the City's urban transit area. This will have a very profound impact on the VAC business and workforce.

However, the City would jeopardize its continued federal transportation funding and risk a potential legal challenge if it did not honor the results of the RFP. The City simply does not have the funds – \$1,411,549.90 – to make up the difference between the

VAC bid and the Transdev bid, or the sustainable capital resources to supplant the recurring heavy subsidies from the downstate operating grant program.

The City staff have built personal and professional relationships with the management and employees of the Voluntary Action Center over decades of collaboration and good will. Although the agency's highly-regarded services outside the City's transit area are not affected, it is clear that the DeKalb urban area provides the greater majority of VAC calls and business. Yet, local preference is prohibited by the Federal Transit Authority and the City Purchasing Manual.

City Council approval of the Transdev proposal is recommended. ([Click here for additional information](#))

6. Resolution 2020-102 Approving a City of DeKalb Referendum on the April 6, 2021 Consolidated Election Ballot with Regard to Urban Chickens Within the DeKalb Corporate Limits.

City Manager's Summary: At the last regular City Council meeting of August 24, the Council directed the City Manager to bring back a resolution providing for a referendum at the consolidated election on the April 6, 2021 that would ask the question:

Shall the City of DeKalb permit the keeping of backyard chickens if the inspection, licensing and registration requirements can be performed on a cost neutral basis to the City?

The attached resolution prepared by the City Attorney meets that expectation and provides a sample ballot as an attachment.

Keeping the Proposed Program Cost-Neutral

The preparation of the draft resolution and sample ballot encouraged conversation among City staff about the key challenge behind the proposed referendum question: How is a cost-neutral basis to be determined?

It is assumed that the Council does not want its Police Officers responding to chicken complaints, so the Building Department is the logical choice as the City's enforcement arm. There would be two kinds of cost related to the proposed allowance for backyard chickens. The first would attend the permitting, and the second would relate to any code enforcement.

Permitting

Although no standards have been established as yet, every community that has permitted backyard chickens has established minimum standards for the coops or enclosures, setbacks from adjacent property, and general housekeeping. As with pools and patios and fences and dog runs, any "accessory structure" in a yard area requires a permit. Presumably the interested party will be expected to fill out a permit application with a drawing of the location of the chicken area. An inspector will make a visit to the property to make sure the particular yard area is accurately represented. Upon approval of the layout, the owner would prepare the chicken enclosure(s) and a follow-up inspection would be made before approval was granted. If the follow-up visit

arranged by the owner revealed that the enclosure and setbacks were not in conformance with ordinance standards, a second inspection would be needed.

Probable Cost

Permit Filing Fee	\$10.00 (for office/recording)
Plan Review and Initial Site Visit	1 hr. @\$33.69 = \$33.69*
First Inspection	½ hr. @\$33.69 = \$16.85*
Re-Inspection (if required)	½ hr. @\$33.69 x 2 = \$33.69**
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Total: \$84.23	

*Does not include benefit costs (for health, worker comp, etc. add another \$10/hr.)

**Re-inspections are double the cost.

Code Enforcement

Presently, none of the City's conventional nuisance inspections are cost neutral. The cost of enforcing our nuisance codes is not primarily offset by private fees or payments, but by the City's general revenues including a variety of sales and use taxes. The City's Building Department responds to nuisance complaints including, but not limited to, noxious weeds; unmown lawns; offensive odors emanating from businesses; inoperable vehicles exposed to view on private property; trash and brush storage openly offensive to neighbors; mosquito breeding ponds or stagnant water; and the keeping of animals or fowl unpermitted by the Municipal Code. An initial response typically involves a field inspection and oftentimes several attempts to contact a property owner about the nuisance to hopefully invite voluntary compliance. If this is not effective, a written warning is sent, and if this does not encourage compliance a fine notice is sent with a minimum fine of \$25. Such fines can be charged for every day that a nuisance continues to exist after proper notice.

If nuisance fines are not paid and compliance is not gained, the City can invoke its administrative hearing process which requires the offending property owner to appear before a City administrative officer, which involves additional costs for the time of the City Attorney and legal assistant.

It should be noted that certain nuisances such as weeds and unmown lots or yard areas can be "abated" (i.e. remedied by a private contractor hired by the City), but the cost of such routine abatement (about \$75 per residential lot) is seldom reimbursed and the City is forced to lien the property so it has a chance to recover its costs upon the eventual sale of the property. Additionally, the City's abatement budget in recent fiscal years has only been \$15,000 which does not stretch very far. Would the Council support abatement efforts to dismantle offensive chicken stalls if a property owner is uncooperative and neighbors are angry?

The only reliable way to enforce a "cost neutral" approach for code enforcement services that might be required to enforce standards for chicken enclosures and husbandry would be to retroactively add up the overall unit costs incurred in each of the steps in the compliance process, including field inspections, office time behind the preparation of notices, possible prosecution for ordinance violations through the City's administrative hearing process, etc. In other words, a time and material cost calculation. Is it realistic to assume that a local resident with a non-conforming chicken coop or more chickens than the City permits will obligingly pay such costs? A failure to pay enforcement costs may result in a lien placed against the property, which would require additional City legal time and expense.

A conservative breakdown of the cost of remedying nuisances with uncooperative owners is shown below:

Initial Inspection: 30 minutes @ \$33.69/hour = \$16.85*
Failure to Comply Warning Notice: 30 minutes @\$33.69/hour = \$16.85*
Failure to Comply Fine Notice: 30 minutes @\$33.69/hour = \$16.85*
Administrative Hearing Costs:
 Attorney: 1 hr. @\$150/hr = \$150*
 Legal Assistant: 1 hr. @\$35 = \$35*
Court Fine: \$150

Total: \$385.56

*Does not include benefit costs

We already have some experience with “chicken enforcement.” The City’s building department has been called on complaint to Pleasant Street and the River Mist subdivision. The chickens in River Mist were kept in a small enclosure but also allowed to roam the back yard. The chickens on Pleasant Street were free-ranged. The offending homeowners were not unreasonable people; just indulging their individual preferences without asking their neighbors or the City if it might be objectionable. The pictures below were taken by a code compliance inspector:



Standards for the Keeping of Chickens

Uniform standards for the keeping of urban chickens will require more Council discussion at some point. In 2019, the draft ordinance created by members of the Citizens Environmental Commission suggested the following performance standards:

- Enclosures shall be at least 10 feet from lot lines; no coops may be in the front yard; and no coops may be within 25 feet of a neighboring residential structure.
- Enclosures shall have outside runs that are covered;
- Coops shall be easily accessed to clean hen droppings, uneaten feed, feathers, and other waste;
- Coops should offer protection from the weather including cold temperatures;
- Coops shall provide at least 3 square feet of space for nesting and 10 square feet of run space for each chicken;
- Annual licenses should be charged for coops;
- The number of hens allowed shall be no less than two and no more than six per property.
- No more than 20 licenses may be made available for individual households per year, and no more than 8 licenses may be made available for non-profits such as churches per year.
- No roosters may be kept.

Recommendation

By the best practices of public administration, public purpose informs public policy. The higher public purpose served by allowing the keeping of urban chickens has not been established. The present public policy priorities of the City Council are to broaden and diversify the property tax base, to establish fiscal stability, to reduce violent crime and, more generally, to build bridges toward better understanding among all DeKalb residents through connection and inclusion. These noble goals require our relentless attention despite our COVID-diminished resources and staffing. The staff and Council effort already expended on this topic for the indulgence of possibly two dozen households has been a distraction from the important work ahead. **The City Manager recommends the defeat of this resolution and a renewed attention to what binds us in public purpose.** ([Click here for additional information](#))

7. **Resolution 2020-103 Authorizing the Waiver of Competitive Bidding and Awarding the Purchase of Cardiac Monitors to Zoll Medical Corporation and Approving the Purchase of Additional Items to Place the Monitors in Service in an Amount Not to Exceed \$60,000.**

City Manager's Summary: The Fire Department operates six advanced life support (ALS) ambulances. Each ambulance has a cardiac monitor, as required for patient care. In 2017, after a rigorous evaluation process, four (4) ZOLL Series X cardiac monitors were purchased to replace outdated Physio-Control Lifepak 12 cardiac

monitors on four of our six ambulances. The department still operates two of these Lifepak 12 monitors.

In 2019, all medical providers were notified by the FDA that more stringent regulations have been placed on cardiac monitors, AEDs, and accessories. After February 3, 2021, only equipment recognized by the FDA can be serviced, calibrated, and repaired (Exhibit A). Our two Physio-Control Lifepak 12 cardiac monitors will not meet new federal regulations at the FDA deadline.

Fire Chief Jeff McMaster requests that the City Council waive competitive bidding and approve the purchase of two (2) ZOLL Series X cardiac monitors, chargers, batteries, and electrodes from ZOLL Medical Corporation. The purchase of the ZOLL Series X will match the monitors currently in the fleet to allow for seamless EMS operations and continuity of patient care.

The two monitors will be funded by the Capital Projects Fund (400-00-00-86100). **City Council approval is recommended.** ([Click here for additional information](#))

8. Resolution 2020-104 Authorizing an Architectural Improvement Program (AIP) Economic Incentive for Fareed Haque for the Property Located at 263 E. Lincoln Highway in the Amount of \$18,011.

City Manager's Summary: Fareed Haque, the owner of the two-story mixed-use building at 263 E. Lincoln Highway (the former House location), has applied for assistance under the Architectural Improvement Program (AIP), funded by TIF #3 (Fund 262). At the May 26 City Council meeting, the Council sharpened the budget and purposes of the TIF #3 Fund, including the AIP program which was expanded from \$50,000 a year to \$75,000 a year to accelerate ADA and aesthetic improvements in key downtown blocks.

Mr. Haque has requested \$25,000 to perform tuckpointing on the south, east, and north sides of his building. The limestone façade is unique in the downtown, excepting the new city hall, and the very thin, original mortar joints are cracking across these facades. He has solicited several contractor estimates (see attached) and the lowest bid for the tuck-pointing is \$136,752.

The balance in the FY2020 AIP program budget is \$18,011. The commitments to date are shown below:

Project	Funding Commitment
Women's Center Painting (carryover from FY19)	\$3,250
Brown Law (301 E. Lincoln Highway)	\$25,000
Finch Funeral Home	\$9,888.50
Hillside Restaurant	\$18,075.50
Helen's Hair Designs	\$775
Subtotal	\$56,989

According to the AIP guidelines, tuckpointing is eligible for 50% financing. **City Council approval of an AIP grant of \$18,011 is recommended.** ([Click here for additional information](#))

9. Resolution 2020-105 Approving an Intergovernmental Agreement Between the City of DeKalb and the Illinois Department of Healthcare and Family Services in Connection with Supplemental Ambulance Rates.

City Manager's Summary: Firefighters Local 1236 has uncovered a possible source of supplemental general revenue for ambulance services that has been under the radar of downstate fire departments. Specifically, the Illinois Department of Healthcare and Family Services (HFS) may provide supplemental payments to cover the gap between the revenue that the DeKalb Fire Department receives for ambulance trips that are reimbursable under the Illinois Medicaid plan, and the actual cost of the Fire Department's patient transports. The requirement for participation in this program is participation in an intergovernmental agreement (attached) with HFS.

Another condition for the City's qualification is the submittal of quarterly reports detailing ambulance trips and whether or not the patients qualified under the Public Aid Code, the Children's Health Insurance Program Act, or the Covering All Kids Health Insurance Act.

Time is of the essence. The deadline for the IGA in 2020 is October 1, so Council approval is recommended. Members of Local 1236 and the DeKalb Fire administration will be working on other details including a cost report in the days ahead. Any substantial revenue that can offset the City's General Fund shortfalls is welcome at this juncture.

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

10. Resolution 2020-106 Authorizing an Agreement with Axon Enterprises, Inc. for the Purchase of Body Cameras in an Amount Not to Exceed \$415,086 Over Five Years.

City Manager's Summary: As Commander Craig Woodruff writes in his background memorandum, the DeKalb Police Department has been exploring body-worn cameras since early January of 2020. Before testing various makes and models on a trial basis, the department worked with NIU's Public Administration Department, to craft an on-line survey to query public sentiment and any potential concerns about body-worn cameras. The survey found that the respondents (about 260 in all) were generally supportive of their use, provided that the digital evidence would be safely stored and readily accessible. In addition, other Police agencies were consulted regarding their policies in conjunction with the Illinois Law Enforcement Officer-Worn Body Camera Act (50 ILCS 706). As a result of that research, an applicable policy was introduced in the Department's Standards of Conduct to guide officer conduct during the camera trials, which were conducted in real time and thus subject to professional review.

Three vendors were solicited and 4-5 week trials were conducted with each vendor's products. Five officers selected from different ranks and shift assignments tried each product. The overwhelming choice was the cloud-based Axon body-worn cameras. The principal reasons were as follows:

- There were no significant battery or software issues;

- The software includes video redaction software useful in responding to FOIA requests;
- The cameras are small and offered the most mounting options;
- The software program streamlines the supervisor review process to ensure accountability;
- The batteries could easily last a 12-hour shift;
- The cameras can link to a handheld device (typically a cell phone) to view and categorize the video immediately. Additionally, cell phone photos can be tied to the same case number and uploaded to cloud storage in sync with the camera footage;
- The Axon cameras can also be connected directly to the Department’s computer-aided dispatch software.

One vendor – Kustom Signals, Inc. – did not meet the minimum requirements of the program. The table below shows the comparative pricing of the two vendors that did meet the specified requirements:

Vendor	Three Year Price – Cloud Storage Option
Axon Enterprises, Inc.	\$422,565
Panasonic iPro Sensing Solutions	\$329,003

The vendor trials were supervised by Commander Craig Woodruff and he will be on hand to answer any Council questions. If the Council supports the Department’s recommendation, it should waive the lower bid and approve the Axon proposal by a two-thirds vote of the corporate authorities.

City Council approval of the Axon proposal is recommended. ([Click here for additional information](#))

K. ORDINANCES – SECOND READING

- 1. Ordinance 2020-055 Amending Chapter 38 “Intoxicating Liquors”, Section 38.07 “Classifications of Liquor Licenses”, by Adding a New Classification “Laundromats”.**

City Manager’s Summary: At the regular City Council meeting of August 24, the City Council approved the attached ordinance on first reading only, to afford additional time for citizen response. Since the meeting, acting School Superintendent Griff Powell has asked for additional time to review the request with the Board of Education at their regular meeting on September 15. The City staff had been informed by former Superintendent Jamie Craven in mid-June that the Board had no objection. The concern would be whether the sale of alcohol posed a threat to students passing to and from the nearby middle school. Although the end of the driveway serving the backside of the laundromat at 1387 S. Fourth Street touches Barb Boulevard within 100 feet of the middle school boundary, the actual laundromat building is 255 feet

away from the school property, well outside the 100-foot statutory buffer area (see the attached photo).

The City Manager recommends postponement of a second reading until the regular City Council meeting of September 28. [\(Click here for additional information\)](#)

L. ORDINANCES – FIRST READING

1. **Ordinance 2020-057 Proposing the Establishment of City of DeKalb Special Service Area Number 30 (Hunter Ridgebrook Properties and 912 Edgebrook) and Providing for a Public Hearing and Other Proceedings in Connection Therewith.**

City Manager's Summary: Hunter Properties recently entered a settlement agreement with the City of DeKalb over a number of disorderly house citations at the Hunter Ridgebrook Properties. One of the provisions of that settlement agreement was their willingness to accept (or not object to) a special service area (SSA) for the Ridgebrook Properties (see attached aerial map). The purpose of the SSA is to provide for the public safety and security improvements long desired by residents of the housing complex. The SSA will also provide for the construction and maintenance of the proposed park at 912 Edgebrook, once the building is razed.

City Attorney Matt Rose is to be commended for this settlement. The 2019 EAV for Hunter Ridgebrook Properties was \$2,120,952. The maximum SSA levy in any given year can be 5% of the total EAV. The initial levy for the SSA is to be \$100,000 which is just within the 5% threshold. Once levied and received, the tax proceeds can be used to offset the cost of Police services, cameras, lighting, and other security measures.

The attached ordinance establishes the properties to be included in the SSA, and the specific terms to effect the creation of the SSA including a public hearing at the regular City Council meeting of October 12, 2020. All interested persons affected by the formation of the proposed City of DeKalb Special Service Area Number 30, including all persons owning taxable real property located within SSA 30, will be given an opportunity to be heard regarding the formation and boundaries of the special service area, and the taxes to be levied, and may object to the formation of the area, its boundaries, the taxes to be levied, and any other issues embodied in this notice.

If a petition is filed with the City Clerk within sixty (60) days following the final adjournment of the public hearing, signed by at least fifty-one percent (51%) of the electors residing within the special service area and by at least fifty-one percent (51%) of the owners of record of land included within the boundaries of the special service area, objecting to the creation of the Special Service Area Number 30 or the levy or imposition of a special tax for the provision of special services to the area, no such special service area may be created or tax be levied or imposed.

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

2. Ordinance 2020-058 Approving the Rezoning of 822 E. Lincoln Highway from “TFR” Two-Family Residential District to “LC” Light Commercial District (Kelly and Natalie Diehl).

City Manager’s Summary: The 8,260 sq. ft. lot at 822 E. Lincoln Highway is currently vacant. In 2017 the City condemned the property, which had a two-story home on it that fell into disrepair. In 2018 the City took title to the property and in October 2019 the City had the former structure on the site demolished. The City then sold the property to Kelly and Natalia Diehl in November 2019. The Diehls also own the property to the east at 830 E. Lincoln Highway, which has a commercial building on it that previously contained a beauty salon.

The applicant plans to establish a coffee shop inside the building at 830 E. Lincoln Highway. The lot at 830 E. Lincoln Highway is only 0.12 acres and has limited area for adequate parking. The vacant lot at 822 E. Lincoln Highway will be able to provide the necessary parking to accommodate the proposed coffee shop.

A preliminary layout has been developed for the parking area on the vacant lot at 822 E. Lincoln Highway. Approximately 10 parking spaces can be provided on the site with access coming from E. Lincoln Highway and exiting through the alley to the south. A total of seven parking spaces are required for the coffee shop based upon the formula of one space for every three seats (15 seats) plus one space for every employee on the maximum shift (2). The applicant will be required to submit a permit application and more detailed plans to the City in order to construct the parking lot. A handicap parking space will be added just to the east of the building at 830 E. Lincoln Highway. The development of the vacant lot into a parking area for an adjacent business will be a benefit to the E. Lincoln Highway corridor. The proposed rezoning of the subject site to the “LC” Light Commercial District is consistent with the zoning in the surrounding area which includes “LC”, “GC” and “LI” zoning. In addition, the proposed parking lot will be screened from view from the residences to the west and east.

The Planning and Zoning Commission held a public hearing regarding the petition at their meeting on September 8, 2020. By a vote of 5 to 0 (Commission Members Doe and Wright were absent) the Commission recommended City Council approval of the rezoning from the “TFR” Two-Family Residential District to the “LC” Light Commercial District for the property located at 822 E. Lincoln Highway.

City Council approval of the Planning & Zoning Commission recommendation is requested. ([Click here for additional information](#))

3. Ordinance 2020-059 Approving the Final Plat of the Goldman Resubdivision (Lots 49 and 50 in the Bridges of Rivermist Unit 2 Subdivision).

City Manager’s Summary: The applicant, Stephan Goldman, has requested the re-subdivision of lots 49 and 50 in the Bridges of Rivermist, Unit Two, Subdivision from two lots into one lot. The addresses of the lots are 177 and 185 Quinlan Ave. Both lots are vacant and the applicant proposes to construct a single-family home on the combined lots. Lot 49 is 15,223 square feet in area and Lot 50 is 15,258 square feet in area. The new lot will be 30,481 square feet or 0.7 acres.

There is a five-foot utility easement on the east side of Lot 49 and a five-foot utility easement on the west side of Lot 50. Both easements will be vacated with the approval of the plat. There are no utilities in these easements and the applicant has obtained release letters from all the utility companies that have rights to access the easement. The plat has been reviewed by City staff and all comments have been adequately addressed. The applicant has provided a layout of the home on the lot along with the architectural elevations. The City's review at this time only pertains to the Plat, not any particular layout of the home on the site.

The Planning and Zoning Commission discussed the Plat at their meeting on September 8, 2020. By a vote of 5 to 0 (Commissioners Doe and Wright were absent) the Commission recommended approval of the Final Plat of the Goldman Re-subdivision.

City Council approval of the Planning & Zoning Commission recommendation is requested. ([Click here for additional information](#))

4. Ordinance 2020-060 Pertaining to the Local Coronavirus Urgent Remediation Emergency Financial Support Program (Local Cure Program).

City Manager's Summary: The attached model ordinance prepared by the Illinois Department of Commerce and Economic Opportunity (DCEO) is required of any municipality wishing to qualify for funding under the Local Cure Program, which provides the local funding under the federal CARES Act. The ordinance authorizes and approves certification information tied to COVID-related staff responses which are presently being compiled for the period March 1 through August 31, 2020. Once this compilation is complete – presumably by the middle of the week of September 14 – the ordinance will be submitted to DCEO well in advance of the October 1 deadline.

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

5. Ordinance 2020-061 Amending Chapter 52 “Offenses Against Public Peace – Safety and Morals”, Section 52.02 “Disorderly Conduct”, and Section 52.411 “Nuisance Gatherings”, in Order to Prohibit the Violation of Emergency Public Health Orders.

City Manager's Summary: Since the start of fall classes, college towns in Illinois and across the nation have been wrestling with spikes in COVID cases owing to gatherings of students and others without face coverings and in defiance of public health guidelines. DeKalb has not escaped such gatherings in recent weeks, and a discernable pattern has developed involving up to several hundred persons on private and public parking lots, showing a blatant disregard for the Governor's emergency orders, the mitigation plans of the Illinois Emergency Management Agency, or the guidance of the Illinois Department of Public Health.

The attached ordinance revises the City's “nuisance gathering” provisions which establish unlawful activity in private and public parking lots. Presently, persons who would obstruct the flow of traffic or interfere with the ability of emergency providers to render emergency services in local parking areas may be prosecuted for creating a public nuisance. Additionally, owners or tenants who recklessly allow a social

gathering to adversely take possession of a parking lot or adjoining premises are also liable to prosecution and a fine of not less than \$300 for a first offense, and an increased fine for successive offenses. Ordinance No. 2020-061 adds the enumerated offense of failing to exercise due regard for emergency social distancing guidelines in such large and uncontrolled social gatherings defined as “nuisance parties” in the City code.

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

M. REPORTS AND COMMUNICATIONS

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

N. EXECUTIVE SESSION

None.

O. ADJOURNMENT

[FULL AGENDA PACKET](#)