



**DEKALB CITY COUNCIL AGENDA
OCTOBER 12, 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 2020-56 dated October 2, 2020 (the "Executive Order"), which prohibits gatherings of more than 25 people, unless the City of DeKalb determines that it is necessary to invoke the Governmental Functions exemption contained in Section 4(c) of Executive Order 2020-43 "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/89659299964?pwd=dmtZcEthL0liZy80Vmhub25JUeG4dz09>
Meeting ID: 896 5929 9964
Passcode: 322879
One Tap Mobile: +13126266799,,89659299964#,,,,,0#,,322879# 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

None.

F. APPOINTMENTS

G. CONSENT AGENDA

1. [Minutes of the Regular City Council Meeting of September 28, 2020.](#)
2. [Accounts Payable and Payroll through October 12, 2020 in the Amount of \\$296,217.81.](#)

H. PUBLIC HEARINGS

1. **Public Hearing on the Formation of Special Service Area 30 Consisting of Parcel Identification Numbers 08-15-128-004, 08-15-128-009, 08-15-128-010, 08-15-128-011, 08-15-128-012, and 08-15-176-025 (Hunter Ridgebrook Properties and 912 Edgebrook Drive).**

City Manager's Summary: At the regular City Council meeting of September 14, the Council approved Ordinance 2020-057 on first and second reading. The ordinance established properties to be included in a new special service area (Number 30) and the specific terms to effect the creation of the SSA including a public hearing at the October 12 meeting.

The proposed special service area grows out of a settlement agreement between the City of DeKalb and Hunter Properties for numerous 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.

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.

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, have 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 of the approval of Ordinance 2020-057 (September 14), 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 no tax be may levied or imposed. ([Click here for additional information](#))

I. CONSIDERATIONS

1. **Consideration of a Water Department Recommendation to the Eliminate the Mailing of City of DeKalb Utility Bills to Residential Rental Tenants Beginning January 1, 2021, and Instead Mail all Utility Bills to the Respective Property Owners.**

City Manager's Summary: The background memorandum (see attached) from Bryan Faivre, the Director of Utilities, Transportation & Engineering, proposes a billing approach to reduce confusion in the City's water billing system, and potentially assure more timely receivables.

The City's Utility Billing Department manages the billing and collection of water, sewer, and refuse charges for over 11,000 accounts. Routine utility bills are mailed to all property owners on a bi-monthly basis. This practice alone produces over 66,000 utility bill mailings annually. In addition, the Utility Billing Department, as a courtesy, has had a long history of providing a duplicate copy of the utility bill to tenants for all residential rental properties. This policy, which is an unwritten policy that has been in place for at least the past 30 years, results in the mailing of approximately 16,200 additional utility bills annually, or an increase of 25% more billings. At a cost of \$0.57 per bill, this practice increases the cost of utility billing by about \$9,200 annually.

Chapter 7.15 of the City's Municipal Code states: **"Charges for City water shall be made against the property using said service. Notice of charges for City water service shall be mailed only to the property owner at his place of residence"**. Mr. Faivre recommends abiding strictly by the language as stated in the Municipal Code beginning January 1, 2021.

Strict adherence to the existing Municipal Code language will reduce the overall cost of providing utility billing services and reduce confusion among new tenants who receive copies of the bills and wonder if they are responsible for paying. Over the past year, the Water department has slightly modified the way utility billing for residential rental properties is managed by establishing all new utility accounts in the name of the property owner only. Prior to this, many residential rental accounts were established in the tenant's name as opposed to the owner's name. Frequently, City staff have found themselves in the middle of disputes between owners and tenants, which are civil matters outside the scope of the City's authority. This is time consuming for the City staff and frustrating for our customers.

Additionally, there have been unanticipated challenges with the U.S. Postal Service as it relates to the practice of mailing a duplicate bill, addressed to Occupant, to rental properties. Last month alone, over 500 duplicate bill mailings were returned as “undeliverable” to the Utility Billing Department.

Knowing this change may affect the way some property owners and managers do business with their tenants, Mr. Faivre met with the DeKalb Area Renters Association (DARA) several times over the past year, to answer questions and address any concerns their members may have had. The Water department staff also provided a Frequently Asked Questions (FAQ) pamphlet (Exhibit A) to help owners and managers understand the reasons for the proposed changes and the impact those changes may have. Members of DARA were ultimately supportive of the proposed changes.

With the Council’s support, the Water department would inform the public of the change in the following manner:

- Inserts would be placed in both the November 1 and December 1 utility bills, with a detailed explanation of the proposed changes as well as a list of Frequently Asked Questions (Exhibit B).
- A notice, printed on all utility bills in the Utility Bill “Bulletin” box, would offer a brief explanation of the proposed change.
- The department would arrange for the posting of the proposed change on the City’s website and Facebook page.

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

J. RESOLUTIONS

1. **Resolution 2020-110 Authorizing the Award of a Contract to Virgil Cook & Sons, Inc. in the Amount of \$155,431.70 for the Installation of Solar Street Lighting in Annie Glidden North with Staff Authority to Approve Change Orders Up to a Combined Project Total of \$171,000.**

City Manager’s Summary: Aably supported by the quiet work of Joanne Rouse, the City’s Community Services Coordinator, the City Council has committed funding in FY2020 toward the upgrading of Wi-Fi service and street lighting in the Annie Glidden North neighborhood. Additional HUD funding for the City’s CDBG program has provided the financial resources to go to bid on an ambitious project. While the street lighting will enhance neighborhood security, the Wi-Fi service will have multiple benefits, including the ability of residents to work more effectively from home, and for school-aged children to participate fully and equally in the virtual classrooms that are presently the norm in local education.

Three contractors responded to the state letting and their proposals were opened and read publicly on October 1, 2020:

| Company Name | Base Bid |
|----------------------------|-----------------|
| Virgil Cook & Sons, Inc | \$155,431.70 |
| Carlisle Util. Contractors | \$159,804.48 |
| Utility Dynamics Corp. | \$166,365.00 |

Zac Gill, the City Engineer, will supervise the project. He has recommended the award of the contract to Virgil Cook & Sons in the amount of \$155,431.70 with Council authority to approve change orders up to a project total of \$171,000 to add additional poles, if warranted during the construction process. Since the CDBG funding is expected to be spent in full this approach adheres to HUD's intent for the additional COVID-19 allocation but keeps the scope of the 2020 Lighting Improvement project under the budgeted figure of \$182,000.

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

2. Resolution 2020-111 Authorizing a Package Liquor License with Supplemental Drive-Thru Licensure for Haymaker Enterprises, Inc., 1221 W. Lincoln Highway.

City Manager's Summary: In September of 2018, the City was approached by Jeff Dobie of Haymaker Enterprises, Inc., who has owned and operated Fatty's Bar and Grille on W. Lincoln Highway for over 22 years. At that time, Mr. Dobie proposed to construct a new commercial building at 1221 W. Lincoln Highway that would encompass a storage area for his current businesses (or potential future commercial tenancy), a proposed video gaming establishment, and a package liquor store. The proposal to amend Chapter 38 of the Municipal Code to allow drive-thru liquor sales was presented and approved on September 10, 2018 under Ordinance 2018-048.

Also on September 10, 2018, Resolution 2018-123 was passed with a one-year grace period to get the appropriate package liquor store with drive-thru liquor license and zoning approved. The resolution also allowed Mr. Dobie the ability to request a six-month extension from the City Manager, which he received. However, the extension expired on March 10, 2020. Mr. Dobie would now like to move forward with the zoning and plan approval, but the City Council needs to approve a new resolution for the required liquor license.

As depicted on the attached site plan, the facility would have multiple separate tenancies within it. In July of 2018, the City received a formal request from the applicant asking the Council to consider issuing a separate package liquor store license with supplemental licensure for drive-thru use (see attached).

The proposed facility has not yet been permitted or constructed, so the approval sought herein is conditional upon the applicant's satisfaction of a number of requirements precedent to actual license issuance. However, in advance of constructing the facility, the applicant seeks to determine whether Council would again be supportive of the liquor license in the format framed herein, with one of the commercial tenancies in the building encompassing a package liquor store with a drive-thru.

The applicant met with the Police and Community Development Departments in 2018 and presented thorough security plans for the site, including a plan to use bullet-resistant glass, a panic alarm, and a number of security cameras to enhance site security. The City also looked at the experience of other communities that permit drive-thru liquor sales, such as Sycamore.

If the license is approved on a conditional basis, the City staff will work with the applicant to obtain zoning approval and refine and submit building plans and issue building permits necessary for the construction and occupancy of the facility. Once the

facility is on a path toward occupancy, the City would issue a liquor license. The applicant would also be responsible for paying liquor license fees associated with the permit issuance. The license application is in the name of Mr. Dobie's company, Haymaker Enterprises, Inc., but prior to issuance the applicant will form a new corporate entity and the actual license will be issued to that entity. This approach is consistent with the City's efforts to be business-friendly and to allow a prospective business owner to confirm that they will be able to secure a liquor license in advance of investing in a substantial construction project.

Sales of package liquors at retail are subject to the City's Restaurant and Bar tax, and would be a source of that tax, as well as sales tax, for the City of DeKalb. In addition, the City would receive liquor license issuance fees associated with the new license.

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

3. Resolution 2020-112 Authorizing a Bar Liquor License with Supplemental Licensure for Video Gaming for Haymaker Enterprises, 1221 W. Lincoln Highway.

City Manager's Summary: This item a partner to Resolution 2020-111 and would authorize the issuance of a liquor license for bar liquor sales, with supplemental licensure for video gaming, for a proposed building at 1221 W. Lincoln Highway.

In September of 2018, the City approved a bar liquor license with supplemental licensure for video gaming (Resolution 2018-124) for 1221 W. Lincoln Highway. This resolution also provided the applicant a one-year time frame to get the liquor and video gaming licenses, as well as zoning approval. The resolution also allowed for the ability to request a six-month extension from the City Manager, which they received. However, the extension expired on March 10, 2020. Mr. Dobie would now like to move forward with the zoning and plan approval. The City Council needs to approve a new resolution to enable the required liquor license.

Sales of liquor for consumption on the premises are subject to the City's Restaurant and Bar tax, and would be a source of that tax revenue, as well as sales tax, for the City of DeKalb. In addition, the City would receive liquor license issuance fees associated with the new license. The City would also receive video gaming revenue from the operation of the facility and its video gaming terminals.

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

K. ORDINANCES – SECOND READING

None.

L. ORDINANCES – FIRST READING

1. Ordinance 2020-064 Adopting a Revised Pay and Benefit Schedule for Elected Officials.

City Manager's Summary: On July 27, the City Council considered whether the compensation of DeKalb's elected officials should change at the first regular or special meeting after the official election results are announced in early April 2021. The

guidance at that meeting was to leave the levels of compensation the same, especially in light of the severe COVID-19 impacts on the City's General Fund revenues.

Since that Council discussion, Council member Bill Finucane and Council member Tracy Smith have suggested that the Council consider a 5% reduction in the compensation of DeKalb's elected officials, including the mayor, Council members, and the City Clerk. The attached ordinance aligns with the Council consensus of July 27 but can be amended on the floor to align with the proposal brought forward by Council members Finucane and Smith, if the Council wishes to do so.

City Council action is requested. The Illinois Constitution and the Local Government Officer Compensation Act (50 ILCS 145/2) prohibit an elected official's compensation from being increased or decreased during the official's term of office, or within 180 days of the beginning of the terms of the officers whose compensation is to be fixed. [\(Click here for additional information\)](#)

2. Ordinance 2020-065 Authorizing Boundary Modifications to the Area Known as the DeKalb County Enterprise Zone (Conserv FS).

City Manager's Summary: The DeKalb City Council and all the other "designating units of government" that participate in the DeKalb County Enterprise Zone have agreed to adjust the overall boundaries of the County's Enterprise Zone several times in the past year to accommodate DeKalb's significant industrial commitments along the Gurler Road corridor. Now, an Enterprise Zone boundary amendment is needed to help Conserv FS expand its mixing plant and storage facilities on the southwestern perimeter of the Village of Waterman. As the attached memorandum from Paul Borek of the DeKalb County Economic Development Corporation explains, the Waterman request is for a four-acre expansion of the acreage included in the Enterprise Zone. If approved by all the participating units of government, this particular boundary amendment would still leave 651.973 acres available for allocation in DeKalb County.

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](#)