



**DEKALB CITY COUNCIL AGENDA
REGULAR MEETING
APRIL 12, 2021
6:00 P.M.**

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

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 2021-4 dated February 5, 2021 (the "Executive Order"), which prohibits meetings of more than 50 people for Phase 4 mitigations, unless the City of DeKalb determines that it is necessary to invoke the Governmental Functions exemption "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/87827527537?pwd=K2NFNUUpDdEpJVtZiRWRhZ0pPbVRGdz09>

Meeting ID: 878 2752 7537

Passcode: 728319

One Tap Mobile: +13126266799,,87827527537#,,,,*728319# 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. National Public Safety Telecommunicators Week Proclamation, April 11-17, 2021.**

City Manager's Summary: It is fitting that the Mayor and Council should recognize the dedicated work of the City's telecommunicators, who are nearly always the ones to receive emergency calls, dispatch help, and provide support to those in peril.

- 2. National Fair Housing Month Proclamation – April 2021.**

City Manager's Summary: The attached resolution presented by the Illinois Board of Realtors declares April as National Fair Housing Month in DeKalb, to promote our city as an open and inclusive community committed to fair housing and equal housing opportunities for all residents and prospective residents of DeKalb County.

- 3. Presentation of a Check for \$19,500 to the City of DeKalb from the Kishwaukee Kiwanis Club to Partially Fund the Fairview Drive Bike Path.**

City Manager's Summary: Former Kiwanis Club president Susan Doubler will be on hand to make the check presentation.

F. APPOINTMENTS

None.

G. CONSENT AGENDA

- 1. Minutes of the March 22, 2021 Regular City Council Meeting.**
- 2. Accounts Payable and Payroll through _____ 2021 in the Amount of \$_____.**
- 3. DeKalb Chamber of Commerce 2020 Annual Report to Council.**
- 4. DeKalb County Economic Development Corporation 2020 Annual Report to Council.**
- 5. DeKalb County Convention & Visitors Bureau 2020 Annual Report to Council.**
- 6. DeKalb Municipal Band 2020 Annual Report to Council.**

H. PUBLIC HEARINGS

1. Public Hearing on the 2021 Community Development Block Grant Annual Action Plan.

City Manager's Summary: This public hearing provides an opportunity for the public to comment on the proposed 2021 CDBG Annual Action Plan which coincides with the federal fiscal year (April 1 – March 31).

The annual plan must be consistent with a longer-term action plan of five years. The Community Development Block Grant (CDBG) Consolidated Plan is that five-year plan, and on February 10, 2020, the City Council approved the CDBG Five-Year Consolidated Plan 2020-2024/2020 Annual Action Plan. The 2020 Annual Action Plan was amended twice during the last program year to add additional COVID-related (CDBG-CV) funds that were granted to the City by the CARES Act to prevent, prepare for, and address needs that are a result of the coronavirus pandemic.

For the new federal Program Year of April 1, 2021 – March 31, 2022 the City will receive \$420,572 in CDBG Entitlement funds. The table below details the proposed uses of the new CDBG Entitlement funds plus unused carryover Entitlement funds. It does not include the CDBG-CV funds which are tracked separately due to the restrictions on their use.

Activity	2020 Carryover	New 2021 Funds	Total Funds	Notes
2020 Owner Occupied Housing Rehab Program	\$88,000	\$0	\$88,886	Remaining funds from 2020 will be carried over to fund program in 2021
2021 Public Services	\$0	\$63,000	\$63,000	HUD caps this amount at 15% of total grant
2021 Public Facilities – AGN Streets	\$0	\$73,458	\$73,458	Funds will be carried over to 2022 to fund a larger street repair project
2021 Acquisition	NA	\$100,000	\$100,000	New program to foster revitalization in AGN
2021 Economic Development	NA	\$100,000	\$100,000	New program to support redevelopment in AGN
2021 Administration	\$0	\$84,114	\$84,114	HUD caps this amount at 20% of total grant
Total:	\$88,886	\$420,572	\$509,458	

The City also has two projects from 2020 that are funded and will remain open in 2021:

Activity	2020 Carryover	2021 Funds	Total Funds	Notes
2020 Optional Relocation Assistance	\$25,000	\$0	\$25,000	Provides relocation assistance to renters dislocated by City condemnations of MF structures
2020 Public Facilities – Twombly Road Sidewalks	\$110,000	\$0	\$110,000	This project is scheduled to take place during the 2021 construction season

Additional information is presented in the Council background reports.

I. CONSIDERATIONS

1. Consideration of a Staff Report on the Status of 5G Regulation in DeKalb.

City Manager’s Summary: On August 24, 2020, the Council considered how “5G” installations might be regulated. In the telecommunication industry, “5G” is the fifth-generation technology standard for cellular networks. Cellular phone companies began deploying 5G technology in 2019. Like their 4G and 3G predecessors, 5G networks divide service areas into geographical zones known as cells. Wireless devices operating in a cell are connected to the internet by radio waves through local antennas within the cell.

The 5G networks have greater bandwidth, giving higher download speeds, often up to 10 gigabits per second. With increased bandwidth, the new networks will not just serve cellphones but also laptops and desktop computers and compete with existing internet service providers (ISPs) such as cable internet. Eventually, the 4G cellphones which are still more numerous in the market will not be able to use the new 5G networks, which will spur further development of new cells in all geographic areas. The 5G networks can also support more devices per square mile; it is expected that 5G networks will support 8-10 times as many devices as their 4G counterparts.

As communication companies expand their 5G networks throughout established market areas, their interest in new antenna locations will explode. The City of DeKalb’s Municipal Code does not anticipate such a flurry of technical installations on poles and buildings of various descriptions.

Whether the City wants to further regulate such installations, and for what purposes, is a matter for Council consideration. Federal regulation prevails over bandwidth. At the state level, the ability of municipalities to impose fees for small wireless facilities was restricted by the Small Wireless Facilities Deployment Act of 2018. This enactment sunsets on June 1, 2021 and numerous new measures have been introduced in the Illinois General Assembly, including one from the Illinois Municipal League (see the attached article from the April IML magazine).

However, some local authority remains over the use of public rights-of-way for 5G antenna installations, and how such installations can be safely made on buildings.

According to City Attorney Matthew Rose and his colleague Barbara Adams who have both participated in the drafting of suburban ordinances, the City of DeKalb might consider the following:

- Revising the application section that is defined in Section 6.60 of the Municipal Code (attached) to establish clearer credentials for work in the public way;
- Discussing aesthetic standards for the kinds of pole-hung boxes that vendors will want to place in our public ways;
- Protecting any designated historic areas from garish pole boxes.

Given the pending emergence of new state rules by the end of the Illinois Legislative session in June, **the City Manager recommends support of the IML bill (HB 2439) and further Council discussion about local options once the Spring legislative dust settles.**

J. RESOLUTIONS

1. Resolution 2021-027 Approving the Community Development Block Grant 2021 Annual Action Plan for Program Year 28 (April 1, 2021 - March 31, 2022).

City Manager's Summary: The attached resolution would approve the 2021 CDBG Action Plan detailed by Community Services Coordinator Joanne Rouse in her background memorandum. The proposed uses of the new CDBG entitlement funds are identified in the following table:

Activity	2020 Carryover	New 2021 Funds	Total Funds	Notes
2020 Owner Occupied Housing Rehab Program	\$88,000	\$0	\$88,886	Remaining funds from 2020 will be carried over to fund program in 2021
2021 Public Services	\$0	\$63,000	\$63,000	HUD caps this amount at 15% of total grant
2021 Public Facilities – AGN Streets	\$0	\$73,458	\$73,458	Funds will be carried over to 2022 to fund a larger street repair project
2021 Acquisition	NA	\$100,000	\$100,000	New program to foster revitalization in AGN
2021 Economic Development	NA	\$100,000	\$100,000	New program to support redevelopment in AGN
2021 Administration	\$0	\$84,114	\$84,114	HUD caps this amount at 20% of the total grant
Total:	\$88,886	\$420,572	\$509,458	

The City also has two projects from 2020 that are funded and will remain open in 2021:

Activity	2020 Carryover	2021 Funds	Total Funds	Notes
2020 Optional Relocation Assistance	\$25,000	\$0	\$25,000	Program to provide relocation assistance to permanently dislocated renters as a result of City action for condemnation of a multi-family structure
2020 Public Facilities – Twombly Road Sidewalks	\$110,000	\$0	\$110,000	This project is scheduled to take place during the 2021 construction season

City Council approval is recommended.

2. Resolution 2021-028 Authorizing the Sale of Real Property Located at 624 N. Eleventh Street (PIN 08-23-209-003) in the Amount of \$64,500.

City Manager's Summary: This city property on N. Eleventh Street is a small, two-story single-family home, which suffered serious water damage when electric power to the basement furnace was shut off. The estimated cost of repair to the floors, walls, plumbing and basement exceeds \$20,000. However, the “as is” condition is not so serious that the home has lost its market value. In fact, it is the classic “fixer-upper” which has market value to a skilled craftsman. The City recently listed the property and received an offer of \$64,500, which is consistent with the listing agent’s estimate of present value.

City Council approval for the sale of this property to Mr. Garcia in the amount of \$64,500 is recommended. If the Council approves, the City Attorney will take the lead in proceeding to a real estate closing.

3. Resolution 2021-029 Authorizing a Professional Services Agreement with Stantec Architecture, Inc. for Architectural and Engineering Design of a Transit Maintenance and Operations Facility in an Amount Not to Exceed \$1,002,000.

City Manager's Summary: The attached resolution authorizes a professional services agreement with Stantec Architecture, Inc. in the amount of \$1,002,000.00 for the architectural and engineering design work on a transit maintenance and operations facility capable of housing all the transit assets for the DeKalb Urbanized Area.

The City currently owns 25 transit vehicles and leases another 25 transit vehicles from the contracted transit provider, Transdev Services Inc. Because the City does not have a designated transit facility to house its vehicles and equipment, the City relies on Transdev to lease their own facility in order to maintain the City’s assets. Most of the 50 vehicles used for transit services are parked outside and exposed to the elements year-round. With little to no weather protection, the vehicles are more prone to costly maintenance issues that could be minimized if the vehicles were stored in a climate-controlled environment when not in service. Most transit systems in the state

and across the country have a dedicated transit operations and maintenance facility that houses all transit related assets including equipment and personnel.

On May 16, 2019, the City released a Request for Qualifications (RFQ) for Architectural, Engineering, and Construction Management Services for a Transit Maintenance and Operations Facility to support the City of DeKalb's public transit system. The City received fourteen responses from various local and national firms. At the conclusion of the evaluation process, the RFQ evaluation committee identified Stantec Architecture, Inc. as the most suitable and experienced vendor to complete the architectural and engineering design process. Stantec will focus their efforts on completing Part One and Part Two of the RFQ that include:

- Site Selection and a Corresponding Master Plan
- Preparation of NEPA Documents in Accordance with FTA Regulations
- Facility Schematic and Site Layout
- Detailed Cost Estimate

At the December 14, 2020 City Council Meeting, the Council directed City staff to focus the site selection process on the City-owned Dresser Road parcel of land situated between the DeKalb County Health Department and the DeKalb High School. The land is 30 acres in size with approximately 15 usable acres for a transit facility. This would provide ample space for the construction of an environmentally friendly and sustainable facility to assist with the needs of the current transit system and into the future. The location of the City-owned Dresser Road site is in close proximity to the heart of the campus of Northern Illinois University, which creates most of the rider demand. Stantec and their subcontractors will evaluate the Dresser Road site in various categories including deadhead analysis, vehicular access, impact on adjacent roadways, easements, access to utilities, general topography, drainage with field verification, general soils, floodplains, and other areas such as wetland impact, ecological resources, and historical resources. Should Stantec or their subcontractors identify a fatal flaw with the Dresser Road site, an alternative site will need to be considered.



The work performed by Stantec through this agreement will generate the necessary design concepts and cost estimates to allow the City to proceed with the design, bidding, and construction management for the project. The City, per the Purchasing Manual and Federal Transit Administration (FTA) requirements, will be required to issue a Request for Qualifications to continue with the construction/build portion. In addition, our transit staff will utilize the documentation provided by Stantec for supportive FTA grant applications such as Better Utilizing Investments to Leverage Development (BUILD) and the 5339(b) grant program for bus facilities to obtain the necessary supplemental funding for the remaining estimated costs of the project.

City Council approval of the Stantec contract is recommended.

- 4. Resolution 2021-030 Approving the Regulation of Traffic for the Purpose of Holding the Annual DeKalb Corn Festival on Illinois Route 38 Between First Street and Fourth Street Beginning Thursday, August 26, 2021 at 4:00 p.m. through Sunday, August 29, 2021 at 10:00 p.m.**

City Manager's Summary: In the hope that Corn Fest will be held this year, the attached resolution is required to formally request permission of the Illinois Department of Transportation (IDOT) to close Illinois Route 38 between First Street and Fourth Street beginning Thursday, August 26 at 4:00 p.m. and continuing through Sunday, August 29 at 10:00 p.m. to afford protected downtown space for the annual Corn Fest celebration.

City Council approval is recommended.

- 5. Resolution 2021-031 Approving a Non-Profit Special Event Liquor License for the 2021 Corn Fest.**

City Manager's Summary: The attached resolution seeks authorization for the Corn Fest committee to sell alcoholic beverages within prescribed parameters during the Corn Fest festival. This resolution is identical with those approved for many decades.

City Council approval is recommended.

- 6. Resolution 2021-032 Authorizing a Special Event Agreement with DeKalb Corn Fest, Inc. for the 2021 Corn Fest.**

City Manager's Summary: This resolution approves a special event agreement similar to one approved by the Council in recent years. It permits DeKalb Corn Fest, Inc. to conduct their event in the Central Business District and obtain a street closure on Lincoln Highway. The agreement also defines hours of operation, insurance coverages, etc.

City Council approval is recommended.

- 7. Resolution 2021-033 Authorizing an Engineering Services Agreement with Fehr Graham for Design Engineering of 7,900 Feet of Water Main in an Amount Not to Exceed \$154,000.**

City Manager's Summary: As part of the Utility Department's Capital Improvement Plan, several water main replacement projects are scheduled to be completed in 2021 and 2022. These projects include:

- Joanne Lane, between Ilehamwood Drive and Tilton Park Drive (Fall 2021);
- North 13th Street, between Sycamore Road and Clark Street (Spring 2022);
- North 14th Street, between Dresser Road and Clark Street (Spring 2022).

All three water main projects listed above would be performed in conjunction with the City's Street Maintenance Program and would be completed before scheduled pavement resurfacing occurs. The installation of new 1" copper service lines is included as part of the projects for the properties served by these water mains.

The water main on Joanne Lane is cast iron piping that is 67 years old. It is mostly 6 inches in diameter and transitions to an 8-inch main as it travels north towards Ilehamwood Drive. The water main has an extensive history of failure (i.e. water main breaks) resulting in disruption in service and costly restoration work. The replacement project would include installation of 2,800 feet of new 8-inch ductile iron water main. The upsizing of water service lines from ¾-inch to 1-inch copper would be included as part of this project. The Joanne Lane project would be completed in the fall of 2021. Temporary patching of the roadway would occur at completion, with full pavement resurfacing in 2022 as part of the City's Street Maintenance Program. The estimated cost of the water main replacement for this project is \$840,000. Fehr Graham's proposal for design engineering services for this project is \$56,000.

The estimated costs of the 2022 water main replacement projects on N. Thirteenth and N. Fourteenth Streets are similar and the combined design engineering costs for N. Thirteenth and N. Fourteenth Streets is \$98,000 (see the attached memorandum from Zachary Gill)..

The total not-to-exceed Fehr-Graham design costs for the water main replacement projects for all three streets is \$154,000. **The City Manager recommends City Council approval of this resolution to secure the professional services costs through the end of 2022.**

K. ORDINANCES – SECOND READING

None.

L. ORDINANCES – FIRST READING

- 1. Ordinance 2021-014 Amending Chapter 7, "Water Service," Section 7.18-6, "Water Service Fee," to Include Water Meter Sizes Not Currently Contained in the Fee Schedule.**

City Manager's Summary: At the regular City Council meeting of March 22, the Council considered an update to the water service fee schedule to (1) more accurately reflect the true meter costs for the larger commercial meters in the City and to (2) establish a

water service fee for 10-inch metered accounts. Currently, there is no 10-inch meter charge in the City's fee schedule.

The changes in the proposed water service fee schedule (see below) would impact 118 of the City's 11,000 metered accounts which feature meters that are 3" or greater in size, including larger buildings on the NIU campus as well as the City's business parks and industrial-zoned lots. The revisions would not impact single-family homeowners or smaller businesses. The future Facebook accounts will also likely feature meters with orifices in larger sizes than those in the current fee schedule. The embedded capital cost fractionally accounts for fixed system costs of providing service, including fire protection.

The proposed revisions to the water service fee schedule in Chapter 7.18-6 of the Municipal Code are shown in the table below:

Meter Size	Current Bi-Monthly Fee	Proposed Bi-Monthly Fee
5/8"-3/4"	\$13.12	\$ 13.12
1"	\$13.12	\$ 13.12
1.5"	\$20.68	\$ 20.68
2"	\$29.41	\$ 29.41
3"	\$37.37	\$ 52.75
4"	\$54.07	\$ 63.00
6"	\$70.76	\$104.00
8"	\$83.48*	\$193.00
10"	N.A.*	\$365.00

*There are currently no 8" or 10" meters in the system.

The fee changes would be proportional to the meter's actual replacement cost, amortized over an 8-year meter life, which is more typical of the useful life of larger meters that pass larger volumes of water on a routine operating basis.

In advance of the Council's consideration on March 22, Mr. Faivre and his staff mailed a letter to those 118 properties with meters in excess of 3 inches in size. A copy of that letter is attached.

The City Manager recommends the City Council's support for this ordinance revision. The present ordinance language annually adjusts the bi-monthly water service fee according to the Consumer Price Index (CPI) for the Chicago, Gary and Kenosha region, which is the most applicable CPI urban reference point for DeKalb. The City staff do not recommend changing this provision.

2. Ordinance 2021-015 Approving an Amendment to Ordinance 2020-029 to Extend the Time Limit to July 1, 2022 to Obtain a State-Issued Cannabis Dispensary License for the Property Located at 818 W. Lincoln Highway (NuMed Partners).

City Manager's Summary: On April 27, 2020, the City approved Ordinance 2020-029 which granted a special use permit for an adult use and medical cannabis dispensary at 818 W. Lincoln Highway (the Junction Shopping Center) for NuMed Partners. The ordinance required the applicant to obtain a state-issued license within one year of the

approval of the ordinance. Due to COVID-19 restrictions the review process was delayed for state dispensary licenses. The process has been reactivated and NuMed recently submitted a petition requesting Council approval to extend the time period for obtaining the State license to July 1, 2022.

The Council will recall that NuMed Partners, LLC is an Illinois-based pharmaceutical grade cannabis producer and retailer and currently operates three medical and adult use cannabis dispensaries in Illinois (Chicago, East Peoria and Urbana). The subject location at 818 W. Lincoln Highway is a 6,600 sq. ft. tenant space in The Junction Shopping Center. The space is in the corner of the shopping center building and was the former location of Book World. NuMed has continued to pay rent on the space since their initial interest in the location. The proposed operation will have a high level of security meeting all State requirements and industry standards. The proposed location will also have related retail operations including selling logo apparel and other merchandise.

The Planning and Zoning Commission held a public hearing regarding the petition at their meeting on April 5, 2021. By a vote of 4 to 1, the Commission recommended City Council approval of an amendment to Ordinance 2020-029 to extend the time limit to July 1, 2022 to obtain a State-issued cannabis dispensary license for the property located at 818 W. Lincoln Highway.

City Council approval of the Planning & Zoning Commission recommendation is requested.

M. REPORTS AND COMMUNICATIONS

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

N. EXECUTIVE SESSION

- 1. Approval to Hold an Executive Session in Order to Discuss Pending or Imminent Litigation as Provided for in 5 ILCS 120/2(c)(11).**

O. ADJOURNMENT