

**MINUTES
CITY OF DEKALB
REGULAR CITY COUNCIL MEETING
FEBRUARY 11, 2019**

The City Council of DeKalb, Illinois held a Regular City Council meeting on February 11, 2019, in the City Council Chambers of the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois.

A. CALL TO ORDER AND ROLL CALL

Mayor Smith called the meeting to order at 6:00 p.m.

City Clerk Lynn Fazekas called the roll, and the following members of City Council were present: Alderman Bill Finucane, Alderman Joyce Stupegia, Alderman Pat Fagan, Alderman Kate Noreiko, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Alderman David Jacobson arrived 6:18 p.m.

Also present were: City Manager Bill Nicklas, Assistant City Manager Ray Munch, Information Technology Director Marc Thorson, and City Attorney Dean Frieders.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES

Alderman Verbic led the Pledge.

C. APPROVAL OF THE AGENDA

MOTION

Alderman Stupegia moved to approve the agenda. Alderman Fagan seconded.

VOTE

Motion carried on 7-0-1 roll call vote. Aye: Finucane, Stupegia, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: none. Absent: Jacobson. Mayor Smith declared the motion passed.

D. PUBLIC PARTICIPATION

Bessie Chronopoulos spoke in favor of keeping the public participation rules the same. She also said she disapproves of Council members' texting during meetings.

E. PRESENTATIONS AND CITIZENS' COMMENTS

1. Proudly DeKalb

• **P.R.I.D.E Awards: Inboden's Gourmet Meats and Specialty Market and Matthew Boelk.**

City Manager Nicklas introduced the recipients of this year's awards. Members of DeKalb's Citizens Environmental Commission and DeKalb County Community Gardens described the achievements of the P.R.I.D.E. winners and made the awards.

2. Recognizing and Congratulating Deputy Fire Chief Jim Zarek for 29 Years of Service to the City of DeKalb on the Occasion of His Retirement.

Deputy Fire Chief Zarek was awarded a plaque and a street sign. He thanked the City for the career opportunities he had.

3. Presentation by the DeKalb Firefighters Historical Foundation.

City Manager Nicklas introduced the chair of the foundation, Captain Todd Stoffa, who noted that its founding in 1869 made DeKalb one of the oldest fire departments. He summarized department history and announced special events for the sesquicentennial.

F. APPOINTMENTS

1. Appointment of Fire Chief Jeff McMaster to the Fire Pension Board.

Mayor Smith read the item by title.

MOTION

Alderman Finucane moved to approve the appointment. Alderman Noreiko seconded.

VOTE

Motion carried on 8-0 roll call vote. Aye: Stupegia, Fagan, Noreiko, Verbic, Faivre, Jacobson, Finucane, Smith. Nay: none. Mayor Smith declared the motion passed.

G. CONSENT AGENDA

- 1. Minutes of the Committee of the Whole Meeting of January 28, 2019.**
- 2. Minutes of the Regular City Council Meeting of January 28, 2019.**
- 3. Accounts Payable and Payroll through February 11, 2019 in the Amount of \$2,103,155.39.**

4. ~~Resolution 2019-034 Authorizing a Waiver of Competitive Bidding and Payment to LiftOff in the Amount of \$40,459.20 for Renewal of the City of DeKalb Microsoft Office 365 Subscription.~~ **REMOVED FOR SEPARATE CONSIDERATION AS RESOLUTION J.1. BELOW.**
5. **Resolution 2019-035 Authorizing the Staffing of Four Seasonal Public Works Maintenance Positions, One Airport Maintenance Position, and One Payroll and Compensation Analyst Position.**
6. **Resolution 2019-036 Designating Assistant City Manager Raymond Munch as the Authorized Agent of the City of DeKalb for the Illinois Municipal Retirement Fund Program.**

Mayor Smith read each item of the Consent Agenda.

Alderman Jacobson requested removal of Item 4 from the Consent Agenda for separate consideration so the request to waive bidding could be explained.

MOTION

Alderman Jacobson moved to approve the remaining items of the Consent Agenda. Alderman Finucane seconded.

VOTE

Motion carried 8-0 on roll call vote. Aye: Fagan, Noreiko, Verbic, Faivre, Jacobson, Finucane, Stuepegia, Smith. Nay: none. Mayor Smith declared the motion passed.

H. PUBLIC HEARINGS

There were none.

I. CONSIDERATIONS

1. DeKalb Public Library Annual Report by Executive Director Emily Faulkner.

Ms. Faulkner gave highlights of the year, including cost reductions, increased programming, new databases, grants, and strategic planning.

2. Request for Proposals for City Legal Services.

City Manager Nicklas said Aldermen Verbic and Jacobson brought this item to the agenda, and he asked for Council direction on this task.

While there was no explicit objection made to putting out a Request for Proposal, Council discussion centered on the level of quality legal services the City enjoys

now and emphasized that periodic review of the costs of service delivery was no reflection on the performance of the City Attorney. A suggestion was made to review the resulting proposals during a Committee of the Whole meeting.

J. RESOLUTIONS

1. Resolution 2019-034 Authorizing a Waiver of Competitive Bidding and Payment to LiftOff in the Amount of \$40,459.20 for Renewal of the City of DeKalb Microsoft Office 365 Subscription.

Mayor Smith read the resolution by title only.

MOTION

Alderman Verbic moved to pass the resolution. Alderman Jacobson seconded.

Information Technology Director Thorson explained LiftOff was the lowest bidder last year with pricing locked in. He said Microsoft has since raised subscription prices so he is confident a new bid now would come in higher than the locked-in price.

VOTE

Motion carried 8-0 on roll call vote. Aye: Noreiko, Verbic, Faivre, Jacobson, Finucane, Stupegia, Fagan, Smith. Nay: none. Mayor Smith declared the motion passed.

2. Resolution 2019-037 Authorizing an Intergovernmental Agreement with the DeKalb Road District for Contribution of Funds for Improvements to the Intersection of Annie Glidden Road at Fairview Drive.

Mayor Smith read the resolution by title only.

MOTION

Alderman Finucane moved to approve the resolution. Alderman Faivre seconded.

City Manager Nicklas said this agreement paves the way for the Township to reimburse the City for a portion of the costs of the project.

VOTE

Motion carried 8-0 on roll call vote. Aye: Verbic, Faivre, Jacobson, Finucane, Stupegia, Fagan, Noreiko, Smith. Nay: none. Mayor Smith declared the motion passed.

3. Resolution 2019-038 Authorizing an Intergovernmental Agreement with the DeKalb Township Road District Pertaining to Snow Removal through May 1, 2020.

Mayor Smith read the resolution by title only.

MOTION

Alderman Finucane moved to pass the resolution. Alderman Stupegia seconded.

City Manager Nicklas explained that pieces of certain roadways (Fairview, Gurler, Peace) belong partially to City and partially to Township, so the two collaborate on snow plowing responsibilities to eliminate inefficiencies of crossing each other's jurisdictions to plow.

VOTE

Motion carried 8-0 on roll call vote. Aye: Faivre, Jacobson, Finucane, Stupegia, Fagan, Noreiko, Verbic, Smith. Nay: none. Mayor Smith declared the motion passed.

4. Resolution 2019-039 Authorizing the Initiation of Project DKB-4556 to Replace the Existing Visual Approach Slope Indicator (VASI) Units on Runway Ends 2, 20 and 27 with Precision Approach Path Indicator (PAPI) Units at the DeKalb Taylor Municipal Airport at a Total Estimated Cost of \$731,000 with a City Contribution Towards Costs in an Amount Not to Exceed \$40,000, and Authorizing a Professional Services Agreement with Crawford, Murphy and Tilly, Inc. for Architectural/Engineering Planning and Special Services.

Mayor Smith read the resolution by title only.

MOTION

Alderman Verbic moved to approve the resolution. Alderman Faivre seconded.

VOTE

Motion carried 8-0 on roll call vote. Aye: Jacobson, Finucane, Stupegia, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: none. Mayor Smith declared the motion passed.

5. Resolution 2019-040 Authorizing the City Manager to Execute Six Farm Lease Agreements for 413.79 Acres of Land and Two Grain Bins at the DeKalb Taylor Municipal Airport for a Period Not to Exceed 36-Months (March 1, 2019 – December 31, 2021).

Mayor Smith read the resolution by title only.

MOTION

Alderman Faivre moved to approve the resolution. Alderman Stuepegia seconded.

VOTE

Motion carried 8-0 on roll call vote. Aye: Finucane, Stuepegia, Fagan, Noreiko, Verbic, Faivre, Jacobson, Smith. Nay: none. Mayor Smith declared the motion passed.

- 6. Resolution 2019-041 Authorizing a Three-Year Agreement for Engineering Services with Fehr-Graham & Associates, LLC for the 2019- 2021 General Street Maintenance Programs, with an Initial Fee for Fiscal Year 2019 Not to Exceed \$165,000, and Subsequent Years to be Negotiated and Approved Individually.**

Mayor Smith read the resolution by title only.

MOTION

Alderman Stuepegia moved to approve the resolution. Alderman Verbic seconded.

City Manager Nicklas explained agreements can run for multiple years to avoid the delays of rebidding projects in progress. He noted a strong recommendation from Public Works.

VOTE

Motion carried 8-0 on roll call vote. Aye: Stuepegia, Fagan, Noreiko, Verbic, Faivre, Jacobson, Finucane, Smith. Nay: none. Mayor Smith declared the motion passed.

K. ORDINANCES – SECOND READING

- 1. Creating the Central Business District Tax Increment Financing and Omnibus Approval of the Following Ordinances:**
 - a. Ordinance 2018-070 Adopting Tax Increment Allocation Financing for the DeKalb Central Business District Redevelopment Project Area. (*Second Reading*)**
 - b. Ordinance 2018-071 Approving the City of DeKalb, Illinois DeKalb Central Business District Redevelopment Project Area Tax Increment Financing District Eligibility Study and Redevelopment Plan and Project. (*Second Reading*)**

- c. **Ordinance 2018-072 Designating the Proposed DeKalb Central Business District Redevelopment Project Area Pursuant to the Tax Increment Allocation Redevelopment Act. (*Second Reading*)**
- d. **Ordinance 2018-073 Adopting an Amendment to the City of DeKalb Central Area Tax Increment Financing District. (*Second Reading*)**
- e. **Ordinance 2018-074 Adopting an Amendment to the City of DeKalb Tax Increment Financing District No. 2. (*Second Reading*)**

Mayor Smith read each ordinance of the omnibus package by title only.

MOTION

Alderman Verbic moved to approve the omnibus package of ordinances. Alderman Fagan seconded.

City Manager Nicklas expressed a high degree of confidence in the execution of the new tax increment financing (TIF) district and cautioned that delaying to the point of scheduled property re-assessments would necessitate starting the process over.

Steve Kapitan asked Council members to keep in mind as they approve individual projects that most of the money for them comes from other taxing districts.

John Anderson commented on previous TIF projects and noted the only private businesses involved in TIF investment downtown are the three restaurants that are now for sale.

VOTE

Motion carried on 7-1 roll call vote. Aye: Fagan, Noreiko, Verbic, Faivre, Finucane, Stuegia, Smith. Nay: Jacobson. Mayor Smith declared the motion passed.

2. Ordinance 2018-085 Adopting Chapter 37 "Tax Increment Financing Regulations". (*Second Reading*)

Mayor Smith read the ordinance by title only.

MOTION

Alderman Finucane moved to pass the ordinance. Alderman Fagan seconded.

VOTE

Motion carried 8-0 on roll call vote. Aye: Noreiko, Verbic, Faivre, Jacobson, Finucane, Stuepegia, Fagan, Smith. Nay: none. Mayor Smith declared the motion passed.

3. Ordinance 2019-006 Amending Chapter 2 “City Council.” (Second Reading)

Mayor Smith read the ordinance by title only.

MOTION

Alderman Faivre moved to pass the ordinance. Alderman Fagan seconded.

City Manager Nicklas said he feels strongly the City makes a good faith effort to keep the public informed and doesn't support allowing the public to speak to items as they come up on the agenda because it's disruptive to deliberation.

Steve Kapitan said he doesn't remember any member of the public speaking to more than three agenda items since he's been attending meetings and he supports the option to speak either during Public Participation or as individual agenda items come up. He also said Council's waiving second reading and passing an ordinance in one motion takes away the option to support the ordinance but not the waiver.

MOTION

Alderman Finucane moved to offer the option to speak early or when the agenda item comes up, but not both. Alderman Verbic seconded.

City Attorney Frieders confirmed with the Aldermen that this amendment would apply to Section 2.04(d).

Council discussed whether public comment was responsible for lengthy Council meetings. Some expressed the opinion that the culprit was in-depth staff presentations, since corrected. There was some agreement that improved communication/response times have reduced the need for members of the public to attend meetings in person.

VOTE

Motion carried 7-1 on roll call vote. Aye: Verbic, Faivre, Jacobson, Finucane, Stuepegia, Noreiko, Smith. Nay: Fagan. Mayor Smith declared the amendment passed.

Aldermen then debated whether to retain a provision for visioning/planning meetings and, if so, whether they should be mandatory.

MOTION

Alderman Jacobson moved to postpone second reading of the ordinance to the next Regular Meeting of Council. Alderman Fagan seconded.

VOTE

Motion to postpone carried 8-0 on roll call vote. Aye: Faivre, Jacobson, Finucane, Stupegia, Fagan, Noreiko, Verbic, Smith. Nay: none.

L. ORDINANCES – FIRST READING

- 1. Omnibus Approval of Ordinances Establishing Backup Special Service Areas as Follows: Ordinance 2019-008 Fatty's/Culvers (SSA 15); Ordinance 2019-009 Popeye's (SSA 16); Ordinance 2019-010 University Village (SSA 17); Ordinance 2019-011 University Plaza (SSA 18); Ordinance 2019-012 First Rockford/Nelson (SSA 19); Ordinance 2019-013 Casey's (SSA 20); Ordinance 2019-014 Cornerstone (SSA 21); Ordinance 2019-015 Sonic (SSA 22); Ordinance 2019-016 Bandit's Castle (SSA 23); Ordinance 2019-017 1114 Blackhawk Road (SSA 24); Ordinance 2019-018 Home2 Suites (SSA 25); Ordinance 2019-019 1792 Sycamore Road (SSA 26); Ordinance 2019-020 Plaza DeKalb (SSA 27); and Ordinance 2019-021 Establishing an Active Special Service Area for 924 Greenbrier Road (SSA 28). (*First Reading*)**

Mayor Smith read the omnibus package of ordinances by title only.

MOTION

Alderman Noreiko moved to pass first reading. Alderman Faivre seconded.

City Manager Nicklas explained that of the 14 properties, 13 are dormant and the 14th has already been activated (i.e., property tax to be levied) because Water Fund money for installing sprinklers on the property must be repaid to the City.

VOTE

Motion carried 8-0 on roll call vote. Aye: Jacobson, Finucane, Stupegia, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: none. Mayor Smith declared the motion passed.

- 2. Ordinance 2019-022 Amending Chapter 15 "Refuse, Recyclables and Waste Collection", Section 15.10 "Collection, Processing and/or Disposal of Refuse, Recyclables and Landscape Waste in the Central Business District." (*First Reading*)**

Mayor Smith read the ordinance by title only.

MOTION

Alderman Noreiko moved to pass first reading. Alderman Verbic seconded.

VOTE

Motion carried 8-0 on roll call vote. Aye: Finucane, Stupegia, Fagan, Noreiko, Verbic, Faivre, Jacobson, Smith. Nay: none. Mayor Smith declared the motion passed.

MOTION

Alderman Finucane moved to waive second reading and pass the ordinance. Alderman Fagan seconded.

VOTE

Motion carried 7-1 on roll call vote. Aye: Stupegia, Fagan, Noreiko, Verbic, Faivre, Finucane, Smith. Nay: Jacobson.

3. Ordinance 2019-023 Amending Chapter 38, Section 38.01 “Definitions”, Section 38.07 “Classification of Liquor Licenses”, and Section 38.13 “Restrictions Applicable to Hospitality Sales”. (*First Reading*)

Mayor Smith read the ordinance by title only.

MOTION

Alderman Fagan moved to approve first reading. Alderman Verbic seconded.

VOTE

Motion carried 8-0 on roll call vote. Aye: Fagan, Noreiko, Verbic, Faivre, Jacobson, Finucane, Stupegia, Smith. Nay: none. Mayor Smith declared the motion passed.

4. Ordinance 2019-024 Abating Taxes Levied for Library and Corporate Purposes of the City of Dekalb for Tax Year 2018 (Library and Bonds). (*First Reading*)

Mayor Smith read the ordinance by title only.

MOTION

Alderman Stupegia moved to approve first reading. Alderman Finucane seconded.

VOTE

Motion carried 8-0 to approve first reading. Aye: Noreiko, Verbic, Faivre, Jacobson, Finucane, Stupegia, Fagan, Smith. Nay: none.

MOTION

Alderman Finucane moved to waive second reading and pass the ordinance. Alderman Noreiko seconded.

VOTE

Motion carried 8-0 on roll call vote. Aye: Verbic, Faivre, Jacobson, Finucane, Stupegia, Fagan, Noreiko, Smith. Nay: none. Mayor Smith declared the ordinance passed.

M. REPORTS AND COMMUNICATIONS

1. Council Member Reports

Alderman Finucane commended Public Works, first responders and other staff who worked in the extreme winter weather.

Alderman Verbic acknowledged controversy surrounding special events in DeKalb and proposed the Mayor consider an unbiased special events commission, funded by growth in hotel/motel taxes. Mayor Smith responded that the idea for such a commission has merit, though he cautioned personnel cutbacks may affect levels of staff support.

2. City Clerk Report

Clerk Fazekas announced the inclusion of new election information to the City Clerk's page at the City's website, including the early/grace period voting schedule.

3. City Manager Report

City Manager Nicklas announced that the first monthly Freedom of Information Act (FOIA) report would be prepared for the next Council meeting.

N. EXECUTIVE SESSION PURSUANT TO 5 ILCS (120/2)

1. Collective bargaining as provided for under 5 ILCS 120/2(c)(2).

Mayor Smith read the Executive Session item by title and said the City Manager had requested the session.

MOTION

Alderman Jacobson moved to recess for Executive Session. Alderman Fagan seconded.

VOTE

Motion carried 8-0 on roll call vote. Aye: Faivre, Jacobson, Finucane, Stupegia, Fagan, Noreiko, Verbic, Smith. Nay: none. Mayor Smith declared a recess at 8:42 p.m.

O. ADJOURNMENT

Council returned from Executive Session at 9:18 p.m.

MOTION

Alderman Finucane moved to adjourn the Regular Meeting. Alderman Verbic seconded.

VOTE

Motion carried on majority voice vote. Mayor Smith declared the meeting adjourned at 9:18 p.m.

LYNN A. FAZEKAS, City Clerk

Approved by City Council: February 25, 2019.