

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

The City Council of DeKalb, Illinois held a Regular City Council meeting on March 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.

Deputy City Clerk Ruth Scott 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 Tony Faivre, and Mayor Jerry Smith. Alderman David Jacobson arrived at 6:36 p.m. Alderman Mike Verbic was absent.

Also present were: City Manager Bill Nicklas, Assistant City Manager Raymond Munch, and City Attorney Dean Frieders.

B. PLEDGE OF ALLEGIANCE

Alderman Finucane led the Pledge of Allegiance.

C. APPROVAL OF THE AGENDA

MOTION

Alderman Noreiko motioned to approve the agenda; seconded by Alderman Fagan.

VOTE

Motion carried by a 6-0-2 roll call vote. Aye: Finucane, Stupegia, Fagan, Noreiko, Faivre, Smith. Nay: None. Absent: Jacobson, Verbic. Mayor Smith declared the motion passed.

D. PUBLIC PARTICIPATION

Steve Kapitan addressed his concerns regarding the growing deer population within the city.

Mayor Smith briefly noted the junior high school wrestling tournament held in DeKalb over the weekend.

E. PRESENTATIONS

1. Citizens' Environmental Commission Review of 2018 Accomplishments and Presentation of Goals for 2019.

Citizens' Environmental Commission (CEC) Chair Dan Kenney recognized each CEC member and provided an overview of their 2018 accomplishments and 2019 goals.

F. APPOINTMENTS

There were none.

G. CONSENT AGENDA

1. Minutes of the Regular City Council Meeting of February 25, 2019.
2. Accounts Payable and Payroll through March 11, 2019 in the Amount of \$3,371,210.09.
3. Resolution 2019-050 Approving the Closure of a Portion of Illinois Route 38 Between First Street and Fourth Street on Monday, May 27, 2019 from 8:00 a.m. to 10:00 a.m. for the 2019 Memorial Day Parade.

MOTION

Alderman Finucane moved to approve the Consent Agenda; seconded by Alderman Stupegia.

VOTE

Motion carried by a 6-0-2 roll call vote. Aye: Finucane, Stupegia, Fagan, Noreiko, Faivre, Smith. Nay: None. Absent: Jacobson, Verbic. Mayor Smith declared the motion passed.

H. PUBLIC HEARINGS

There were none.

I. CONSIDERATIONS

There were none.

J. RESOLUTIONS

1. Resolution 2019-048 Approving a Final Plat for the Egyptian Theatre Subdivision and Authorizing a Conveyance of Real Property.

Mayor Smith read the resolution by title only.

MOTION

Alderman Finucane moved to approve the resolution; seconded by Alderman Fagan.

Prior to review and discussion, Leslie Conklin voiced her concerns regarding the conveyance of property to the Berkes, as did Steve Kapitan.

City Manager Nicklas provided background information on this item, followed by a brief discussion among Council.

VOTE

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

2. Resolution 2019-051 Authorizing a Final Development Incentive Agreement for the Renovation of the Egyptian Theatre, 135 N. Second Street.

Mayor Smith read the resolution by title only.

MOTION

Alderman Faivre moved to approve this resolution; seconded by alderman Stupegia.

Steve Kapitan voiced his concerns regarding this item.

City Manager Nicklas provided background information on this item, including the terms of the agreement.

Discussion ensued among Council.

Alderman Fagan asked the City had received anything from the Egyptian Theatre to show they have the financial ability to finish the project along with our funds. City Attorney Frieders stated Dean stated they are required to disclose that information.

Alderman Fagan also asked how the funds will be distributed to the Egyptian Theatre. City Manager Nicklas stated the funds will go into an escrow account.

Alderman Jacobson stated he'd like to see a "one and done" provision to be added to the agreement, i.e. the City would not contribute further funding to the Egyptian Theatre.

City Manager Nicklas pointed out that whatever the logical merits, Alderman Jacobson's suggestion isn't enforceable, couldn't be written as proposed and would have no weight in law.

Discussion ensued.

City Attorney Frieders stated he did not recommend the passage of something that's not enforceable.

MOTION

Alderman Jacobson motioned to add a “one-and-done” provision into the development agreement; seconded by Alderman Fagan.

VOTE

Motion failed by a 2-5-1 roll call vote. Aye: Jacobson, Fagan. Nay: Finucane, Stupegia, Noreiko, Faivre, Smith. Absent: Verbic. Deputy City Clerk Scott declared the motion failed.

Discussion ensued among Council.

VOTE

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

3. Resolution 2019-052 Authorizing the Award of a Bid to Curran Contracting Company in the Amount of \$33,040 for 1,300 Square Yards of Various Pavement Removal on Joanne Lane, Golfview Place and Ilehamwood Drive, with Staff Authority to Approve Change Orders Up to a Combined Total of \$36,344.

Mayor Smith read the resolution by title only.

MOTION

Alderman Faivre moved to approve this resolution; seconded by Alderman Stupegia.

City Manager Nicklas provided an overview of this item.

Alderman Noreiko noted the large gap between the two bids. City Manager Nicklas noted that this is for the milling of the streets only, stating another bid will be requested for resurfacing.

VOTE

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

4. Resolution 2019-053 Authorizing the Expenditure of Motor Fuel Tax Funds in the Amount of \$215,000 for Surface Maintenance on the Peace Road Bridge as Part of Intergovernmental Agreement 4254-2.

Mayor Smith read the resolution by title only.

MOTION

Alderman Noreiko moved to approve the resolution; seconded by Alderman Faivre.

City Manager Nicklas provided an overview of this item.

VOTE

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

5. Resolution 2019-054 Authorizing the City Manager to Execute an Agreement with DeKalb County for Membership in the DeKalb County Fiber Optic Network and Amending an Agreement with Northern Illinois University for Associated Fiber Optic Connections.

Mayor Smith read the resolution by title only.

MOTION

Alderman Finucane moved to approve the resolution; seconded by Alderman Stupegia.

City Manager Nicklas provided an overview of this item.

VOTE

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

K. ORDINANCES – SECOND READING

There were none.

L. ORDINANCES – FIRST READING

1. Ordinance 2019-029 Publishing the Official Zoning Map of the City of DeKalb.

Mayor Smith read the ordinance by title only.

MOTION

Alderman Noreiko moved to pass first reading of the ordinance; seconded by Alderman Faivre.

City Manager Nicklas provided an overview of this item.

VOTE

Motion carried by a 6-0-2 roll call vote. Aye: Finucane, Stupegia, Fagan, Noreiko, Faivre, Smith. Nay: None. Absent: Jacobson, Verbic. Mayor Smith declared the motion passed.

MOTION

Alderman Finucane moved to waive second reading and approve the ordinance; seconded by Alderman Stupegia.

VOTE

Motion carried by a 6-0-2 roll call vote. Aye: Finucane, Stupegia, Fagan, Noreiko, Faivre, Smith. Nay: None. Absent: Jacobson, Verbic. Mayor Smith declared the motion passed.

Alderman Fagan left the dais at 7:08 p.m.

2. Ordinance 2019-030 Approving the Final Plans for Plaza DeKalb, Pursuant to Ordinance 2017-036, for Property Located on the Northeast Corner of 2nd Street and Lincoln Highway.

Mayor Smith read the ordinance by title only.

MOTION

Alderman Noreiko moved to pass first reading of the ordinance; seconded by Alderman Finucane.

Bessie Chronopoulos addressed points regarding parking concerns for multi-residential buildings in the downtown area.

Mayor Smith noted that Alderman Jacobson and Alderman Fagan recused themselves from this item.

City Manager Nicklas provided an overview of this item, noting that meetings have been held regarding downtown parking concerns, with another scheduled for March 19, 2019.

Discussion ensued among Council.

VOTE

Motion carried by a 5-0-1-2 roll call vote. Aye: Finucane, Stupegia, Noreiko, Faivre, Smith. Nay: None. Absent: Verbic. Recused: Jacobson, Fagan. Mayor Smith declared the motion passed.

MOTION

Alderman Finucane moved to waive second reading of the ordinance; seconded by Alderman Stupegia.

VOTE

Motion carried by a 5-0-1-2 roll call vote. Aye: Finucane, Stupegia, Noreiko, Faivre, Smith. Nay: None. Absent: Verbic. Recused: Jacobson, Fagan. Mayor Smith declared the motion passed.

M. REPORTS AND COMMUNICATIONS

1. Council Member Reports

Alderman Fagan reported on the upcoming closure of the S. First Street bridge. He also reported that he and Alderman Verbic would be hosting a joint ward meeting on April 1, 2019.

Alderman Faivre reported on recent activities within DeKalb. He stated he'd like to see a community calendar of events on the City's website so that residents and visitors can see what's going on in the City on any given weekend.

Alderman Jacobson reported that he and first ward candidate Carolyn Morris would be hosting a meeting on March 12, 2019.

Mayor Smith stated that a community calendar would be a great idea. City Manager Nicklas concurred.

2. City Clerk Report

None.

3. City Manager Report

City Manager Nicklas reported that the deadline for the TIF forensic audit proposals was March 6, 2019. He stated that the Assistant States Attorney notified him that they are still reviewing the proposals, with costs ranging from \$102,000 to \$159,000. City Manager Nicklas noted he'd like to see the cost be a little lower.

Assistant City Manager Munch stated that a community calendar could be implemented into the redesign of the City's website.

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

Mayor Smith read the following exemption:

Approval to hold an Executive Session to discuss Collective Bargaining as provided for in 5 ILCS (120/2)(c)(2).

MOTION

Alderman Noreiko moved to approve recess for executive session; seconded by Alderman Fagan.

VOTE

Motion carried by a 7-0-1 roll call vote. Aye: Jacobson, Finucane, Stupegia, Fagan, Noreiko, Faivre, Smith. Nay: None. Absent: Verbic. Mayor Smith declared the Regular meeting recessed for Executive Session at 7:34 p.m.

Mayor Smith opened the meeting to the public at 7:47 p.m.

O. ADJOURNMENT

MOTION

Alderman Finucane moved to adjourn the Regular meeting; seconded by Alderman Jacobson.

VOTE

Motion carried on a majority voice vote. Mayor Smith declared the Regular meeting adjourned at 7:47 p.m.

RUTH A. SCOTT, Deputy City Clerk

Approved by City Council: April 8, 2019.