

**MINUTES
CITY OF DEKALB
CITY COUNCIL REGULAR MEETING
MARCH 28, 2022**

The City Council of DeKalb, Illinois held a Regular meeting on March 28, 2022, in the Yusunas Meeting Room of the DeKalb Public Library, 309 Oak Street, DeKalb, Illinois.

A. CALL TO ORDER AND ROLL CALL

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

Recording Secretary Ruth Scott called the roll, and the following members of City Council were present: Alderman Carolyn Morris, Alderman Barb Larson, Alderman Greg Perkins, Alderman Scott McAdams, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Cohen Barnes. Alderman Tracy Smith was absent.

Other in attendance included City Manager Bill Nicklas and City Attorney Matt Rose.

Mayor Barnes announced that moving forward, Recording Secretary Scott would be responsible for calling the roll at all City Council meetings for attendance and votes.

B. PLEDGE OF ALLEGIANCE

Citizen Mike Embrey led the Pledge of Allegiance.

C. APPROVAL OF THE AGENDA

Mayor Barnes asked for a motion to amend the agenda in order to add an Executive Session to discuss Personnel as provided for in 5 ILCS 120/2(c)(1).

MOTION: Alderman Larson moved to amend the agenda; seconded by Alderman Morris.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Smith. Mayor Barnes declared the motion passed.

MOTION: Alderman Verbic moved to approve the agenda as amended; seconded by Alderman Larson.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Smith. Mayor Barnes declared the motion passed.

D. PRESENTATIONS

1. Proclamation: Observing the 50th Anniversary of the National Senior Nutrition Program.

Mayor Barnes read the proclamation in its entirety.

2. T-Mobile Hometown Grant Check Presentation.

Representatives of T-Mobile were on hand to present the City of DeKalb with a check in the amount of \$50,000 as the winner of a Hometown Grant, which was pursued by the Citizens' Community Enhancement Commission (CCEC). The grant will fund a three-year public arts program to create works of art in DeKalb.

Mr. Brad Hoey, Chair of the CCEC, expressed his excitement at learning that DeKalb was one of five recipients to receive this grant.

Kristen Matthews, T-Mobile Marketing Manager for the state of Illinois, spoke briefly about the grant program and offered congratulations to the City.

Mayor Barnes thanked T-Mobile for their partnership, and the members of the CCEC for their contribution to the community and searching for ways to fund projects that aren't taxpayer dollars.

E. PUBLIC PARTICIPATION

There was none.

F. APPOINTMENTS

There were none.

G. APPROVAL OF THE MINUTES

1. Minutes Submitted by the City Clerk

MOTION: Alderman Larson moved to bring this item to the floor for discussion: seconded by Alderman McAdams.

a. Minutes of the Regular City Council Meeting of February 28, 2022.

Alderman Larson stated she read through the minutes submitted by City Clerk Cohen and noted that not only are the minutes sparse, but they are also incorrect. She noted that while Alderman Smith was absent from the February 28, 2022, Council meeting, the minutes submitted showed instances of him voting.

Continuing, Alderman Larson stated that the minutes submitted by City Clerk Cohen provided a disclaimer that the YouTube video could be viewed for more detailed information regarding the February 28, 2022, meeting. However, there's no certainty that YouTube will still be operating 20 years from now, which is why it's important to have a written copy of what was discussed and why Council voted the way they did for a particular item.

Closing out her comments, Alderman Larson indicated she's having an issue accepting these minutes.

Mayor Barnes agreed with Alderman Larson's comments and stated that Council has expressed to the City Clerk the type of minutes they want to see to no avail. He also noted that Google once had a social media platform called Google+ that no longer exists, so what's to stop YouTube from doing the same, or deciding to distance themselves from municipalities.

Alderman Morris stated it's important for the public to know that minutes exist to form the history of the community as it's made. With an inaccurate record as has been created by the City Clerk, we cannot know what has been done by the City Council and it's imperative that those records be accurate. Further, it's critical that Council owns their own record of what's being done and not be reliant on a conglomerate to record the City's history.

Mayor Barnes stated that Recording Secretary Scott is providing sufficient minutes that reflect City Council's discussions and decisions.

Mayor Barnes then stated that the next roll call would be for approval or denial of the February 28, 2022, City Council minutes as recorded by City Clerk Cohen. He further stated that City Clerk Cohen did not reach out to anyone regarding his absence from this meeting.

Mayor Barnes then referenced an online communication he had with the City Clerk a few days before about whether or not he would be attending this meeting. City Clerk Cohen indicated within that communication that he would reach out to Council members for their opinion but never did.

Alderman Perkins asked for clarification regarding the roll call vote. Mayor Barnes stated that a no vote would indicate non-acceptance of the submitted minutes, and a yes vote would indicate acceptance of the submitted minutes.

VOTE: Motion failed by a 0-7-1 roll call vote. Aye: None. Nay: Morris, Larson, Perkins, McAdams, Verbic, Faivre, Barnes. Absent: Smith.

2. Minutes Submitted by the Recording Secretary

Mayor Barnes read the following by title only:

- a. Minutes of the Special Joint Meeting of the City Council and Finance Advisory Committee of March 14, 2022.
- b. Minutes of the Regular City Council Meeting of March 14, 2022.

MOTION: Alderman Perkins moved to approve the minutes submitted by the Recording Secretary; seconded by Alderman Faivre.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Smith. Mayor Barnes declared the motion passed.

H. CONSENT AGENDA

Mayor Barnes read the following items by title only:

1. Accounts Payable and Payroll through March 14, 2022, in the Amount of \$1,772,268.02.
2. Investment and Bank Balance Summary through January 2022.
3. Year-to-Date Revenues and Expenditures through January 2022.
4. Freedom of Information Act (FOIA) Report – February 2022.

5. Resolution 2022-029 Authorizing an Agreement with the DeKalb Community Unit School District No. 428 to Provide Emergency Medical Services for DeKalb High School Home Football Games for the 2022-2023 School Year.

MOTION: Alderman Faivre moved to approve the Consent Agenda; seconded by Alderman Morris.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Smith. Mayor Barnes declared the motion passed.

I. PUBLIC HEARINGS

There were none.

J. CONSIDERATIONS

1. Consideration of the Compensation of Volunteer Members of DeKalb Boards, Commissions and Committees.

MOTION: Alderman McAdams moved to bring this item to the floor for discussion; seconded by Alderman Faivre.

Mark Charvat spoke to this item, disagreeing with the summary of the item as provided by City Manager Nicklas on the agenda that indicated no one currently employed by the City was responsible for authorizing compensation being made to members of the Planning and Zoning Commission (PZC) and the Board of Fire and Police Commissioners (BFPC). Mr. Charvat stated he disagreed with that portion of the summary and referenced emails from December 2020 and a memo to Council from January 2021 that indicated knowledge of the compensation.

Continuing, Mr. Charvat stated there needs to be an ordinance indicating which of the City's boards, commissions or committees receive compensation, if any.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. There is currently no resolution or ordinance in effect that authorizes the payment of compensation to any board, commission, or committee. Concurrence is being sought from the City Council regarding this subject so that appropriate adjustments can be made to the City's financial processes that will cease compensation to members of the PZC and BFPC.

There was consensus among Council to move forward with City Manager Nicklas' recommendation.

Alderman Morris noted her appreciation to City Manager Nicklas for addressing this matter in a timely fashion after it was brought to Council's attention.

City Attorney Rose agreed with City Manager Nicklas' summary of the item.

K. RESOLUTIONS

1. Resolution 2022-030 Authorizing the Waiver of Competitive Bids and Awarding a Contract to Kaskaskia Engineering Group, LLC in the Lump-Sum Amount of \$400,000 for Sidewalk Ramp Construction within the Knolls Subdivision.

Mayor Barnes read the resolution by title only.

MOTION: Alderman Verbic moved to approve the resolution; seconded by Alderman McAdams.

Robert Bohnak, Senior Engineer for Kaskaskia, spoke briefly to this item stating he was present to answer any questions Council might have and offered a brief overview of the project.

City Manager Nicklas then provided an overview of this item based on the information provided in the agenda packet. City capital funds are dedicated toward sidewalk repairs and re-paving in the Knolls subdivision this summer. However, before the re-surfacing can occur, concrete repairs are necessary at nearly all the street corners to bring the handicap ramps up to current Americans with Disabilities Act (ADA) standards.

Part of the funding for this project is derived from a Department of Commerce and Economic Opportunity (DCEO) Grant. One requirement of the grant was to include one or more certified Disadvantaged Business Enterprise (DBE) firms in either the design or construction of all work funded. From the pre-qualified list of DBE firms, one was responsive in terms of the concrete work: Kaskaskia Engineering Group of Geneva. The firm has a strong record of satisfactory ADA-compliant work within state cost estimates. To meet the state grant requirements and to get the concrete work done in a timely fashion, waiver of bidding and the award of the ADA-compliance work for a lump sum of \$400,000 to Kaskaskia is recommended.

There was no discussion among Council.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Smith. Mayor Barnes declared the motion passed.

2. Resolution 2022-031 Authorizing an Engineering Services Agreement with Fehr-Graham & Associates, LLC for Construction Engineering of 2,800 Feet of Water Main on N. Thirteenth Street in an Amount Not to Exceed \$51,500.

Mayor Barnes read the resolution by title only.

MOTION: Alderman Verbic moved to approve the resolution; seconded by Alderman Perkins.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. The engineering services agreement with Fehr-Graham & Associates, LLC (Fehr-Graham) authorizes spending not to exceed \$51,500 for construction engineering services related to water main replacement along N. Thirteenth Street. The proposal is consistent with the cost normally associated with engineering oversight for a project of this size.

There was no discussion among Council.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Smith. Mayor Barnes declared the motion passed.

3. Resolution 2022-032 Awarding a Bid to Performance Construction Engineering in the Amount of \$1,027,731 for 3,139 Feet of Water Main Replacement on N. Fourteenth Street Between Clark Street and Dresser Road with Staff Authority to Approve Change Orders Up to \$1,063,701.

Mayor Barnes read the resolution by title only.

MOTION: Alderman McAdams moved to approve the resolution; seconded by Alderman Morris.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. The Utility Department recommends award of the contract for the replacement of 3,139 feet of water main between Clark Street and Dresser Road on N. Fourteenth Street to Performance Construction Engineering (PCE) in the amount of \$1,027,731 with staff authority to approve change orders up to \$1,063,701.

Mayor Barnes noted his excitement that a lot of long overdue improvements are moving forward for the community, especially in the Thirteenth Street and Fourteenth Street area.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Smith. Mayor Barnes declared the motion passed.

4. Resolution 2022-033 Authorizing an Engineering Services Agreement with Fehr-Graham & Associates, LLC for Construction Engineering of 3,136 Feet of Water Main on N. Fourteenth Street in an Amount Not to Exceed \$61,900.

Mayor Barnes read the resolution by title only.

MOTION: Alderman Verbic moved to approve the resolution; seconded by Alderman Faivre.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. The engineering services agreement with Fehr-Graham & Associates, LLC (Fehr-Graham) authorizes spending not to exceed \$61,900 for construction engineering services related to water main replacement along N. Fourteenth Street. The proposal is consistent with the cost normally associated with engineering oversight of a project of this size.

There was no discussion among Council.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Smith. Mayor Barnes declared the motion passed.

5. Resolution 2022-034 Approving an Amendment to the Collective Bargaining Agreement with the DeKalb Fraternal Order of Police (FOP), Lodge #115, Illinois Fraternal Order of Police Labor Council, Article 5 "Holidays", Section A, "Base Holiday Entitlement," and Section B, "Holiday Accrual for New Members."

Mayor Barnes read the resolution by title only.

MOTION: Alderman Faivre moved to approve the resolution; seconded by Alderman Morris.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. The City Council approved an ordinance in June of 2021 that amended the City's

holiday schedule to recognize June Nineteenth (“Juneteenth”) as an official paid employee holiday. This resolution officially updates the FOP contract to reflect that Council decision, specifically, Sections A and B of Article 5 of the agreement, which will be amended to increase the number of hours of vacation from 112 to 120 in lieu of holiday time off, for both new members and current members of the bargaining group. Since Police officers typically work on established holidays, their benefit has traditionally been calculated in additional vacation hours.

There was no discussion among Council.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Smith. Mayor Barnes declared the motion passed.

L. ORDINANCES – SECOND READING

There were none.

M. ORDINANCES – FIRST READING

1. Ordinance 2022-015 Amending Chapter 38 “Intoxicating Liquors”, Section 38.01 “Definitions”, and Section 38.27 “Gambling Devices”, as it Pertains to Video Gaming Terminal Operators.

Mayor Barnes read the ordinance by title only.

MOTION: Alderman Verbic moved to approve first reading of the ordinance; seconded by Alderman McAdams.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. This item was postponed at the regular Council meeting of March 14, 2022, to allow City Attorney Rose to discuss the economic and legal implications of the proposed ordinance with interested community stakeholders. As a result of those discussions, the following amendments to Chapter 38 were recommended:

- Doubling the current annual license fee from \$250 to \$500 per terminal, with the terminal operator and local establishment holding the gaming license required to equally split the annual license fee.
- The initial non-refundable application fee will be \$1,000 per establishment, with the terminal operator and local establishment equally splitting the cost.

There was brief discussion between Alderman Morris and City Manager Nicklas regarding the fee responsibility between the terminal operator and video gaming establishment owner.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Smith. Mayor Barnes declared the motion passed.

MOTION: Alderman Larson moved to waive second reading of the ordinance and approve; seconded by Alderman Perkins.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Smith. Mayor Barnes declared the motion passed.

N. REPORTS AND COMMUNICATIONS

1. Council Member Reports.

Alderman McAdams reported on his recent trip to Springfield for the Illinois Municipal League Lobby Day along with other members of City Council, as well as the City Manager, where they spoke with legislators about economic development and opportunities for cannabis licenses in DeKalb. He noted it was a productive day of service.

Alderman Faivre reported on the most recent Airport Advisory Board meeting, which was attended by Mayor Barnes and City Manager Nicklas. Discussions took place regarding the strengths of the DeKalb Taylor Municipal Airport (DTMA), as well as potential growth opportunities.

Alderman Faivre encouraged citizens to help pick up litter along sidewalks, etc., perhaps if they're out walking as the days get warmer.

Alderman Faivre further reported that he will be scheduling a Seventh Ward meeting sometime in April, with more information to follow.

Alderman Verbic reported that attended the most recent DeKalb Community Unit School District #428 board meeting, which was very informative.

Alderman Larson reported that she visited Fire Station #2 and Fire Station #3 and noted that both stations look great and they're making do with small spaces.

Alderman Larson also reported that she was happy to see that power washers are out cleaning up the city's streets.

As Council liaison to the Economic Development Commission (EDC), Alderman Morris reported that at the last meeting members assessed what direction the EDC should take moving forward and what their goals should be.

Alderman Morris further reported that she is currently serving on the Military Economic Development Committee (MEDC), led by Lieutenant Governor Juliana Stratton. She stated it's a great opportunity to connect with the Lieutenant Governor and share our community's concerns.

Mayor Barnes reported on the following:

- He and City Manager Nicklas were invited to tour the Facebook Datacenter facility recently, noting it was an incredible sight to see. He further commented on how impressed he was with Mortenson Construction and how grateful he is to have them as a partner within the community. Immediately following the tour, he spoke at an event held by Mortenson where they announced the names of six individuals who will be getting an eight-week apprenticeship to work on the Facebook project. He noted some of those selected may have never gotten the opportunity to work in the trades without the apprenticeship.
- He attended the most recent AAB meeting where there was great dialogue. He's looking forward to how those discussion evolve over time and the impact it will make at the DTMA.
- He traveled to Springfield with City Manager Nicklas, Alderman Larson, and Alderman McAdams where they met with representatives to discuss multiple issues, including more

economic development within DeKalb. Mayor Barnes publicly thanked Representative Keicher for his support and assistance throughout the day.

2. City Manager Report.

City Manager Nicklas reported that he also enjoyed the trip to Springfield where they were able to discuss a number of issues.

Brief discussion ensued between Mayor Barnes and City Manager Nicklas regarding the trip.

O. EXECUTIVE SESSION

Mayor Barnes read the following Executive Session exemption title in its entirety:

1. Approval to hold an Executive Session in Order to Discuss Personnel as provided for in 5 ILCS 120/2(c)(1).

MOTION: Alderman McAdams moved to recess for Executive Session; seconded by Alderman Morris.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Smith. Mayor Barnes declared the motion passed and recessed the meeting at 6:46 p.m.

Following adjournment of the Executive Session, Mayor Barnes opened the meeting to the public at 7:04 p.m.

P. ADJOURNMENT

MOTION: Alderman Perkins moved to adjourn the Regular meeting; seconded by Alderman Faivre.

VOTE: Motion carried by a 7-0-1 roll call vote. Aye: Morris, Larson, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Smith. Mayor Barnes declared the motion passed and adjourned the meeting at 7:04 p.m.

Respectfully submitted,

Ruth A. Scott, Recording Secretary

Minutes approved by the City Council on April 11, 2022.

Click [here](#) to view the agenda packet for the March 28, 2022, Regular City Council meeting.

Click [here](#) to view the video recording of the March 28, 2022, Regular City Council meeting.