

**MINUTES
CITY OF DEKALB
CITY COUNCIL REGULAR MEETING
JULY 10, 2023**

A. CALL TO ORDER AND ROLL CALL

Mayor Barnes called the meeting to order at 6:03 p.m.

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

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

Sasha Cohen was absent.

B. PLEDGE OF ALLEGIANCE

Shadow Gentry led the Pledge of Allegiance.

C. APPROVAL OF THE AGENDA

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

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

D. PRESENTATIONS

1. Proclamation: Drum & Bugle Corps Midwest Classic – July 7, 2023.

Mayor Barnes read the proclamation in its entirety, noting he had given it to Mike Embrey prior to the event on July 7, 2023.

E. PUBLIC PARTICIPATION

Dan Kenney spoke on behalf of DeKalb County Community Gardens (DCCG), stating they have decided to move their proposed project on the City owned property located at Hillcrest Drive and Blackhawk Road to an undeveloped parcel on N. Annie Glidden Road. He further stated this would be a better financial investment and allow the expansion of services.

Mayor Barnes recognized Elijah Livingston as a new Make-A-Wish recipient and declared July 11, 2023, as “Elijah Livingston Day” in DeKalb. Mayor Barnes also presented Elijah with a key to the City.

F. APPOINTMENTS

Mayor Barnes read each of the following by title only:

1. Appointing Manuel Olalde to the Fire Pension Board for the Completion of a Three-Year Term through June 30, 2025.
2. Appointing Andre Powell to the Citizen Police Review Board for the Completion of a Two-Year Term through December 31, 2024.

3. Reappointing Maurice McDavid as Chair of the Citizen Police Review Board for the Completion of a Two-Year Term through December 31, 2024.
4. Reappointing Justin Carlson to the Citizen Police Review Board for the Completion of a Two-Year Term through December 31, 2024.

MOTION: Alderman Perkins moved to approve the appointments and reappointments; seconded by Alderman McAdams.

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

G. CONSENT AGENDA

Mayor Barnes read each of the following Consent Agenda items by title only:

1. Minutes of the Regular City Council Meeting of June 26, 2023.
2. Accounts Payable and Payroll through July 10, 2023, in the Amount of \$3,050,735.15.
3. Investment and Bank Balance Summary through May 2023.
4. Year-to-Date Revenues and Expenditures through May 2023.
5. Crime Free Housing Bureau Report, June – July 2023.

MOTION: Alderman Zasada moved to approve the Consent Agenda; seconded by Alderman Walker.

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

H. PUBLIC HEARINGS

There were none.

I. CONSIDERATIONS

1. Consideration of the Proposed FY2024 Budget Calendar.

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

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet.

There were no questions or comments from the Council.

2. Consideration of a Status Report on the Proposals for the Redevelopment of the Annie Glidden North Neighborhood Submitted by Northern Illinois University (NIU) and DeKalb County Community Gardens (DCCG).

At this point in the meeting, it was confirmed that a motion and second are not required for items up for consideration.

Steve Kapitan thanked the Council for taking the time to deliberate this topic and encouraged them to consider taking issues that are controversial or financially substantial to second reading to allow the public to weigh in.

Glen Roby spoke in support of the proposed NIU Greek Life Center at the corner of Hillcrest Drive and Blackhawk Road.

Jeff Liesendahl also spoke in support of the NIU Greek Life Center, noting he's excited to be a part of the project and fundraising efforts.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet.

Matt Streb spoke on behalf of NIU, stating they are not only committed to the Greek Life Center and the students living in the area, but also to the Annie Glidden North neighborhood, its revitalization, and engaging with its residents. Mr. Streb also encouraged investors to join them in fundraising efforts.

Discussion ensued regarding the Greek Revitalization Taskforce, housing for fraternities and sororities who may not have a chapter in the area, and the footprint of the center (1.5 to 2 acres). It was also noted that many NIU students were present at this meeting in support of the project.

Mayor Barnes stated he's happy to see this project come to fruition and expressed Council's support.

J. RESOLUTIONS

1. Resolution 2023-067 Authorizing an Option to Enter into a Redevelopment Agreement with Northern Illinois University Foundation for the Development of the NIU Center for Greek Life at W. Hillcrest Drive and Blackhawk Road.

Mayor Barnes read the resolution by title only.

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

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet.

There were no questions or comments from the Council.

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

2. Resolution 2023-068 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 2023-2024 School Year.

Mayor Barnes read the resolution by title only.

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

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet.

There were no questions or comments from the Council.

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

3. Resolution 2023-069 Approving Amendments to Transit Provider Contract Agreements with Transdev, Inc. to Extend the Agreements from January 1, 2024, through December 31, 2025.

Mayor Barnes read the resolution by title only.

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

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet.

Alderman Zasada encouraged the purchase of hybrid vehicles when the time comes.

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

4. Resolution 2023-070 Authorizing the Award of a Contract to Elliott & Wood, Inc. in the Amount of \$239,500 for the Kimberly Drive Segmentation, with Staff Authority to Approve Change Orders Up to a Combined Project Total Not to Exceed \$255,000.

Mayor Barnes read the resolution by title only.

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

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet.

There were no questions or comments from the Council.

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

5. Resolution 2023-071 Authorizing the Award of a Contract to Elliott & Wood, Inc. in the Amount of \$183,016 for N. Ninth Street Parking Improvements, with Staff Authority to Approve Change Orders Up to a Combined Project Total Not to Exceed \$195,000.

Mayor Barnes read the resolution by title only.

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

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet.

There were no questions or comments from the Council.

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

6. Resolution 2023-072 Authorizing the Replacement of Air Conditioning and Air Handling Equipment through DeKalb Mechanical for the City of DeKalb Public Works/Water Facility in an Amount Not to Exceed \$25,680.

Mayor Barnes read the resolution by title only.

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

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet.

There were no questions or comments from the Council.

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

7. Resolution 2023-073 Authorizing an Architectural Improvement Program (AIP) Economic Incentive at 305 E. Locust Street in the Amount of \$25,000 (Candid Spirit Too).

Prior to recusing himself from this item, Mayor Barnes commented on false information that was printed in the Daily Chronicle, one of which stated he owns multiple buildings in DeKalb, noting he only owns one.

Alderman Verbic read the resolution by title only.

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

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet.

Alderman McAdams noted his support of this item, as did Alderman Walker.

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

K. ORDINANCES – SECOND READING

There were none.

L. ORDINANCES – FIRST READING

1. Ordinance 2023-026 Authorizing the Acquisition through Condemnation of Fee Simple Title to the Property Located at 128-140 S. Second Street (PIN 08-23-163-013).

Mayor Barnes recused himself from this item. Alderman Verbic read the ordinance by title only.

MOTION I: Alderman McAdams moved to approve First Reading of the ordinance; seconded by Alderman Walker. (There was no vote on this motion.)

Stacy Chilton, owner of Chilton Sporting Goods since 1956, offered his support for this item, stating the City has done good things for the downtown area.

Matt Keys stated he isn't in support of this item, adding while the building is ugly, it has good bones and could be transformed into something better.

Joe Sears, owner of the building in question, referenced statements made by Mayor Barnes to the Daily Chronicle that he feels were untrue. He also provided information to the Council regarding other empty buildings in the downtown area and suggested the City purchase those to create additional parking.

Donna Gable, former chair of the City's Landmark Commission, provided the Council with some history of the building, stating it was built in the 1870s as the world's first barbed wire manufacturing plant. She added that the building does need attention, but she doesn't believe it's in the dire condition being suggested. Continuing, Ms. Gable suggested that a plaque be put on the building recognizing its history, or, if the building is demolished, one in the parking lot.

Dan Sears, also an owner of the building, stated he feels the City isn't being forthcoming and he's being forced to sell. He further stated that he's owned the building since 2002 and the City's appraisal and offer are inaccurate. Ms. Sears then referenced handouts he provided to the Council regarding comparable properties for sale in the downtown area. Concluding his comments, Mr. Sears asked the Council to vote no on eminent domain.

Attorney Mark Doherty, representing D-N-J Properties, Dan Sears, and Joe Sears, recommended that all involved assume positive intent. He added that eminent domain isn't necessary, but the City must provide just compensation at a fair market value.

Todd Hansen, an electrical contractor, stated he was contracted to do work for D-N-J Properties that included repair on light fixtures and two outlets. He noted he didn't obtain a permit because the work was minimal. Mr. Hansen further stated he isn't in support of this item and the building shouldn't be demolished for a parking lot.

Steve Kapitan stated if the building is a historical landmark as noted by Ms. Gable, why not consider revitalizing it as a draw to the downtown area. He added that this item should have gone to the Planning and Zoning Commission (PZC) and recommended that the Council postpone second reading of this item because there's no need to rush.

Alderman McAdams asked if the building is a historical landmark, why hasn't anyone come forward with a plan to get it on the national registry. He added he doesn't believe anyone will be drawn to come see the building as a historical landmark for barbed wire, especially because of barbed wire's tie to the Holocaust. Continuing, Alderman McAdams stated the downtown area should be walkable with interesting shops and things to do. He further stated he will be voting to move forward with eminent domain but hopes both sides will come to the table amicably.

Alderman Zasada stated she sees both sides of the argument and finds a lot of the information presented compelling. She further stated that she's going to vote no to eminent domain for a variety of reasons, one being that while the alley is an awkward space, there are alternative solutions to the problem. Concluding her comments, Alderman Zasada stated she doesn't think a parking lot is the best use for the land, and she hopes for a compromise out of court.

Paul Miller, a local realtor, stated he was involved with the sale of the building to Mr. Sears in 2002 so he knows its history. He further stated that he was present at the meeting between City Manager Nicklas and Mr. Sears and there was no bullying and no threats made. Mr. Miller added that the City isn't the bad guy in this situation, noting that City Manager Nicklas and Mayor Barnes are good men and not trying to hurt anyone.

Discussion ensued following the public comment portion of this item, which included the supposed denial of access to the building for an appraisal, the taxes being paid on the building and whether or not they're accurate based on the current asking price of \$795,000, the building being an

eyesore, supposed renovations to the building and the cost involved, and incorrect information regarding comments made, which were printed in the Daily Chronicle.

Alderman Walker referenced a supreme court ruling regarding eminent domain in the *Kelo vs. City of New London* case. City Attorney Rose added that the Illinois legislature passed the Eminent Domain Act in response to the case Alderman Walker referenced and stated there's express statutory authority to acquire property by a municipality for the purpose of making it a parking lot or for redevelopment within a TIF area.

Continuing, Alderman Walker stated he has issues with both sides and doesn't think the City should acquire the building unless there are life safety issues. He then asked Mr. Sears if there were any code violations on file for the building. Mr. Sears stated there were none and mentioned that staff from the City's Building Department have been in the building in the past.

City Manager Nicklas stated there's no record of permits being issued for renovations to the building according to Chief Building Official Dawn Harper.

Alderman Walker continued, stating he doesn't believe the City needs more parking downtown, nor does he think there are issues with the alley as he's able to drive his UPS truck through it without issue. He further stated common ground needs to be reached with a fair market value price offered for the purchase of the property.

Alderman Walker then asked Mr. Sears if he would be willing to repair the building if it's as deteriorated as everyone says, to which Mr. Sears replied it isn't, adding that he had applied for an Architectural Improvement Project (AIP) grant in the past but was denied.

Mr. Sears stated he told City Manager Nicklas that he would sell the property to the City if the price was fair, noting he's willing to negotiate. He further stated that he received no government assistance during the COVID pandemic and had to borrow money to stay in business. Mr. Sears also referenced the information provided to the Council and offered to sit down with any of them to discuss it.

Alderman Perkins stated he doesn't like the idea of eminent domain. He noted that the building was purchased for \$125,000 in 2002 and in all those years, nothing has been done to fix it up. Alderman Perkins further stated he's not happy with the current condition of the building and wants to see a process that moves forward, adding he sees value in improving accessibility to the downtown area.

Alderman Larson stated this isn't just about a parking lot, adding the Council needs to look forward and do what's best for DeKalb as a whole. She further stated she would like to table talk of eminent domain for the time being so that the situation can be looked at from both sides and come up with a solution that everyone can agree on.

MOTION II: Alderman Larson moved to table the ordinance; seconded by Alderman Walker.

Discussion ensued about the results of the current appraisal of the property, ordered by Mr. Sears, and when they should be expected.

Alderman Verbic suggested a deadline for the results in time for the July 24, 2023, Council meeting. Discussion ensued.

City Manager Nicklas referenced the City ordered appraisal and stated the appraiser only had access to the outside of the building. In order to reach a fair market value of the property, a full appraisal, to include the inside and outside of the building, would be needed. City Manager Nicklas

added that he supports the Council's idea of tabling this item to the July 24, 2023, Council meeting.

Discussion ensued about obtaining a full and accurate appraisal.

VOTE: Alderman Larson's motion to table this item was carried by a 6-0-1-1 roll call vote. Aye: Zasada, Larson, Perkins, McAdams, Verbic, Walker. Nay: None. Absent: Smith. Recused Barnes. Alderman Verbic declared the motion passed.

Mayor Barnes returned to the meeting.

2. Ordinance 2023-028 Amending Chapter 36 "Amusements" to Remove the Licensing Requirement.

Mayor Barnes read the ordinance by title only.

MOTION: Alderman Zasada moved to approve First Reading of the ordinance; seconded by Alderman Walker.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet.

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

MOTION: Alderman McAdams moved to waive Second Reading of the ordinance; seconded by Alderman Walker.

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

M. REPORTS AND COMMUNICATIONS

1. Council Member Reports.

Alderman Verbic reported that Uptown Sounds would be at the Village Commons on July 13, 2023, adding this is an effort by Opportunity DeKalb to revitalize the west side of DeKalb.

Alderman Walker reported on his recent tour of Agora Tower, owned by John Pappas, stating it's a beautiful building.

Alderman McAdams reported on the first annual DeKalb Water Wars events, sponsored by the DeKalb Police Department. The first event will be held on July 23, 2023, at Welsh Park, and the second on August 20, 2023.

Alderman Zasada stated she's thrilled by the work Council is doing, which is evidence of a thriving community. She referenced Ordinance 2023-028, which eliminated amusement license fees paid by business owners. Alderman Zasada also thanked City staff and Council for their efforts.

Mayor Barnes reported on recent meetings and events he's attended, which included attending a Belonging Council meeting that was well attended; meeting with all Council members one-on-one, noting he appreciates their communication; appearing on the WLBK Radio Show, attending the 4th of July fireworks display at Hopkins Park; attending the golf outing fundraiser with the DeKalb Police Department; meeting with City Manager Nicklas and the DCEDC interview team

regarding the selection of DCEDC's next executive director; and a meeting with Congresswoman Underwood and Senator Durbin with City Manager Nicklas about rail funding.

2. City Manager Report.

City Manager Nicklas had no report.

N. EXECUTIVE SESSION

There was none.

O. ADJOURNMENT

MOTION: Alderman Verbic moved to adjourn the meeting; seconded by Alderman Walker.

VOTE: Motion carried by a 7-0-1 voice vote. Aye: Zasada, Larson, Perkins, McAdams, Verbic, Walker, Barnes. Nay: None. Absent: Smith. Mayor Barnes declared the motion passed and adjourned the meeting at 8:24 p.m.

Respectfully submitted,

Ruth A. Scott, Recording Secretary

Minutes approved by the City Council on July 24, 2023.

Click [here](#) to view the agenda packet for the July 10, 2023, Regular City Council meeting.

Click [here](#) to view the video recording of the July 10, 2023, Regular City Council meeting.