

**MINUTES  
CITY OF DEKALB  
REGULAR MEETING  
JULY 27, 2020**

The City of DeKalb, Illinois City Council held a Regular meeting on July 27, 2020 in the Yusunas Room at the DeKalb Public Library, 309 Oak Street, DeKalb, Illinois.

**A. CALL TO ORDER AND ROLL CALL**

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

Mayor Smith provided a statement regarding ongoing COVID-19 issues, encouraging social distancing.

Executive Assistant Ruth Scott called the roll and the following City Council members were present: Alderman Carolyn Morris, Alderman Bill Finucane, Alderman Tracy Smith, Alderman Scott McAdams, Alderman Mike Verbic, Alderman Tony Smith, and Mayor Jerry Smith. Alderman Greg Perkins was absent.

Others in attendance included City Manager Bill Nicklas and City Attorney John Donahue.

**B. PLEDGE OF ALLEGIANCE**

Mayor Smith led the Pledge of Allegiance.

**C. APPROVAL OF THE AGENDA**

MOTION

Alderman Finucane moved to amend the agenda by combining Items L.1., L.2., and L.3. in omnibus form; seconded by Alderman Smith.

VOTE

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

**D. PUBLIC PARTICIPATION**

Alderman McAdams read comments submitted by Herb Rubin thanking the City Council, City Manager Nicklas and Acting Police Chief Bob Redel for addressing concerns of the Black Lives Matter (BLM) activists and supports. The comments also stated that some BLM concerns have not been considered and encouraged continued attention to these matters.

Mayor Smith read comments submitted by Derek Van Buer regarding his concerns over past use of Tax Increment Financing (TIF).

Mayor Smith read comments submitted by Laurie Rodriguez regarding the need for continued follow through on BLM concerns.

Mark Charvat spoke regarding technical issues at this meeting. He also encouraged Council members to have ward meetings. Mr. Charvat then spoke regarding his concerns over past TIF use within the City, as well as the bidding process for the water tower painting item.

Maureen Gerrity, Barb City Manor Executive Director, shared her thanks and thanks from residents regarding the repair of the sidewalk and the placement of flower planters at the front of building.

## **E. PRESENTATIONS**

1. Proclamation: Americans with Disabilities Act 30<sup>th</sup> Anniversary.

Mayor Smith read an excerpt from the proclamation and Alderman Finucane presented it to Mr. J.J. Wett. Mr. Wett provided comments regarding his experiences living with a disability and encouraged the continuation of the enforcement of the ADA.

2. Presentation of a Check for \$1,000 by Hometown Association of REALTORS to Fund Public Mural Painting under the Lincoln Highway Bridge.

Alderman McAdams provided information regarding graffiti affixed to the underpass wall that connects the Northern Illinois University and Prairie Park pedestrian walkway and bike path.

Neely Erickson, Government Affairs Director for the Illinois Realtors, then spoke regarding a \$1,000 National Association of Realtors grant that has been awarded to assist local artists with the clean-up of the graffiti and revitalization of the underpass space. The check was presented to Alderman McAdams.

## **F. APPOINTMENTS**

Mayor Smith read the first two items by title only:

1. Appointment of Adrian Lopez to the Citizens' Environmental Commission for the Completion of a Two-Year Term through December 31, 2021.
2. Appointment of John Walker to the Human Relations Commission for the Completion of a Three-Year Term through December 31, 2022.

### **MOTION**

Alderman Verbic moved to approve the appointments; seconded by Alderman Faivre.

### **VOTE**

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

3. Reappointment of Joyce Stupegia to the Police Pension Board for the Completion of a Two-Year Term through May 31, 2022.

Mayor Smith spoke regarding this item, stating that while Ms. Stupegia no longer resides in DeKalb, she has expressed interest in remaining on the Police Pension Board. However, a

municipal code amendment would need to be considered. This topic will be addressed at the August 10, 2020 Regular City Council meeting.

Brief discussion ensued regarding appointments to the City's boards, commissions, and committees.

## **G. CONSENT AGENDA**

### **MOTION**

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

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

1. Minutes of the Committee of the Whole Meeting of July 13, 2020.
2. Minutes of the Regular City Council Meeting of July 13, 2020.
3. Accounts Payable and Payroll through July 27, 2020 in the Amount of \$2,391,372.98.
4. Investment and Bank Balance Summary through May 2020.
5. Year-to-Date Revenues and Expenditures through May 2020.
6. FY2020 Human Services Funding Second Quarter Report.
7. Freedom of Information Act (FOIA) Report – June 2020.
8. Citizens' Environmental Commission Annual Report.

### **VOTE**

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

## **H. PUBLIC HEARINGS**

1. Public Hearing: Community Development Block Grant 2020 Annual Action Plan Amendment.

Mayor Smith read this item by title only and opened the Public Hearing at 6:48 p.m., asking if there was anyone from the public present who wished to speak to this item; no one came forward.

City Manager Nicklas stated the City is making a substantial amendment to the 2020-2024 Consolidated Plan/2020 Annual Action Plan to include additional funding provided under the CARES Act.

There was no further discussion and Mayor Smith closed the Public Hearing at 6:50 p.m.

2. Public Hearing: Proposed Annexation and Development Agreement for Approximately 16 Acres of Property that is Generally Located Along the West Side of N. Annie Glidden Road Across from the DeKalb County Health Facility Campus (DeKalb First United Methodist Church).

Mayor Smith read this item by title only and opened the public hearing at 6:50 p.m. There was no one present from the public wishing to speak.

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

There was brief discussion regarding the planned right-of-way.

Mayor Smith closed the Public Hearing at 7:02 p.m.

## I. CONSIDERATIONS

1. Consideration of a Provisional Schedule for the Review and Adoption of the FY2021 City Budget.

City Manager Nicklas reviewed the proposed schedule of meetings and other actions to be taken with Council as follows:

- August 13. Agenda publication for a joint meeting between the City Council and the Finance Advisory Committee (FAC) on August 17.
- August 17. Joint meeting of the City Council and FAC to review assumptions regarding revenue trends and possible expenditures in the following budgets: General Fund, Motor Fuel Tax Fund (Fund 210), Capital Projects Fund (Fund 400), TIF #1 and TIF #3 Funds (Funds 260 and 262), and Pension Obligations.
- September 1 - October 14. Intense department-level budget discussions around spending targets based on general goals established on August 17.
- October 14. Agenda publication for the FAC meeting on October 19.
- October 19. FAC Meeting to review proposed, detailed FY2021 budget highlights, including annual levy assumptions.
- October 26. Council consideration of property tax levy options.
- November 10. Council resolution establishing a Truth in Taxation hearing for November 23.
- November 16 & November 18. Back-to-back special Council meetings in joint session with the FAC to go over the proposed FY2021 budget document. The General Fund departments will be the focus on November 16, and the Capital, Enterprise, and Special Funds will be the focus on November 18.

- November 23. Truth in Taxation hearing and Budget hearing. First Reading on Proposed FY2021 City budget.
- December 14. Second reading on the proposed FY2021 City budget.
- December 31. Last day to file FY2021 Annual Budget and Property Tax Levy with the DeKalb County Clerk.

There was consensus among Council that the schedule presented was acceptable.

2. Bi-Annual Review of Compensation of Elected Officials.

City Manager Nicklas provided an overview of this item, citing the statute that governs the compensation of elected officials. He further stated that with the severe COVID-19 impacts on the City's General Fund revenues, fiscal prudence is in order.

Alderman Finucane stated he is not in favor of a salary increase for any of the City's public officials.

**J. RESOLUTIONS**

1. Resolution 2020-074 Awarding a Bid to Seven Brothers Painting, Inc. in the Amount of \$710,100 for Painting and Repair of the South Water Tower with Staff Authority to Approve Change Orders for a Total Project Cost Up to \$734,954. (*Postponed from July 13, 2020*)

Mayor Smith read the resolution by title only and asked for a motion to open the item up for discussion.

MOTION

Alderman Faivre moved to approve Resolution 2020-074; seconded by Alderman McAdams.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. He recommended that the original bids be thrown out and the project rebid considering concerns that have been brought forward regarding safety issues with Seven Brothers Painting.

Brief discussion ensued.

VOTE

Motion failed by a 0-7-1 roll call vote. Aye: None. Nay: Morris, Finucane, Smith, McAdams, Verbic, Faivre, Mayor Smith. Absent: Perkins. Executive Assistant Scott announced that the motion had failed.

MOTION

Alderman Finucane moved to authorize the City Manager to rebid this project out of the FY2021 budget, directing him to release the RFP in late 2020 or early 2021 including the phrase pursuant to the passage of the FY2021 budget.

City Attorney Donahue encouraged that the motion start with the rejection of all bids, which was accepted by Alderman Finucane.

#### VOTE

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

2. Resolution 2020-078 Authorizing an Addendum for Engineering Services with Fehr Graham & Associates, LLC for the 2020 General Street Maintenance Program as Part of the 2019 Three-Year Services Agreement, with a Fee for FY2020 Not to Exceed \$100,000.

Mayor Smith read the resolution by title only.

#### MOTION

Alderman Verbic moved to approve Resolution 2020-078; seconded by Alderman McAdams.

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

There was no further discussion.

#### VOTE

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

3. Resolution 2020-079 Authorizing a Supplemental Resolution for \$250,000 in Motor Fuel Tax Funds to General Maintenance Section 20-00000-00-GM Under the Applicable Provisions of the Illinois Highway Code from January 1, 2020, through December 31, 2020.

Mayor Smith read the resolution by title only.

#### MOTION

Alderman Faivre moved to approve Resolution 2020-079; seconded by Alderman Smith.

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

There was no further discussion.

#### VOTE

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

4. Resolution 2020-080 Approving a Substantial Amendment to the Community Development Block Grant (CDBG) Annual Action Plan (One Year Use of Funds) for Program Year 27 (April 1, 2020 through March 31, 2021) to Include CARES Act Funding to Prevent, Prepare for, and Respond to Coronavirus in the Amount of \$271,899.00 and the Reallocation of \$25,000 of 2019 Public Facilities Funding to Fund an Optional Relocation Assistance Program.

Mayor Smith read the resolution by title only.

#### MOTION

Alderman Morris moved to approve Resolution 2020-080; seconded by Alderman McAdams.

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

There was no further discussion.

#### VOTE

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

5. Conditional Approval in Omnibus Form Authorizing Agreements with Local Social Services Agencies for Community Development Block Grant Year 2020 CARES Act (CDBG-CV) Funding to Prevent, Prepare for, and Respond to the Coronavirus as follows: Resolution 2020-081 Elder Care Services, \$10,000; Resolution 2020-082 Hope Haven, \$25,000; Resolution 2020-083 Safe Passage, \$15,000; and Resolution 2020-084 Family Service Agency, \$175,000; for a Total Amount of \$225,000.

Mayor Smith read this item by title only.

#### MOTION

Alderman McAdams moved to approve Resolutions 2020-081, 2020-082, 2020-083 and 2020-084 conditionally, pending approval of the CDBG Annual Action Plan Amendment; seconded by Alderman Faivre.

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

There was no further discussion.

VOTE

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

6. Resolution 2020-085 Authorizing a Master Lease Purchase Agreement with Tax-Exempt Leasing Corporation for Lease Financing of a Utility Department 4WD Loader in the Amount of \$203,190.60.

Mayor Smith read the resolution by title only.

MOTION

Alderman McAdams moved to approve Resolution 2020-085; seconded by Alderman Smith.

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

There was no further discussion.

VOTE

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

7. Resolution 2020-086 Authorizing a Funding Request from Barb City Manor for the Installation of a New Elevator System.

Mayor Smith read the resolution by title only.

MOTION

Alderman Smith moved to approve Resolution 2020-086; seconded by Alderman McAdams.

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

There was no further discussion.

VOTE

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



**K. ORDINANCES – SECOND READING**

There were none.

**L. ORDINANCES – FIRST READING**

1. Ordinance 2020-046 Approving an Annexation and Development Agreement with the DeKalb First United Methodist Church to Allow for Construction of an Approximately 7,730 Square Foot Church and Accessory Uses for Approximately 16 Acres of Property Located Along the West Side of N. Annie Glidden Road Across from the DeKalb County Health Facility Campus.
2. Ordinance 2020-047 Approving the Annexation of Certain Property to the City of DeKalb (DeKalb First United Methodist Church).
3. Ordinance 2020-048 Approving the Zoning Petition by DeKalb First United Methodist Church to Rezone Certain Property Along the West Side of N. Annie Glidden Road from “SFR-1” Single-Family Residential District to the “PD-R” Planned Development Residential District, Approving an Amendment to Ordinance 1994-074, and Approving the Concept Plan, Architectural Elevations, Landscape Plan, and Plat of Dedication to Allow for the Development of an Approximately 7,730 Square Foot Church and Accessory Uses (DeKalb First United Methodist Church).

Noting that the agenda was amended at the top of the meeting to consider Ordinances 2020-046, 2020-047 and 2020-048 in omnibus form, Mayor Smith read each of them by title only.

**MOTION**

Alderman Finucane moved to approve Ordinance 2020-046, Ordinance 2020-047, and Ordinance 2020-048 on First Reading; seconded by Alderman Faivre.

City Manager Nicklas provided an overview of the items based on the background information provided in the agenda packet, noting that the Planning and Zoning Commission has recommended support.

Brief discussion ensued.

**VOTE**

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

**MOTION**

Alderman Finucane moved to waive Second Reading and approve Ordinance 2020-046, Ordinance 2020-047, and Ordinance 2020-048; seconded by Alderman Faivre.

**VOTE**

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

3. Ordinance 2020-049 Amending Chapter 51 "Traffic", Schedule Q "Speed Restrictions" as it Pertains to the Reduction of the Speed Limit for Gurler Road from the East City Limits to the West City Limits.

Mayor Smith read the ordinance by title only.

#### MOTION

Alderman Smith moved to approve Ordinance 2020-049 on First Reading; seconded by Alderman Morris.

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

There was brief discussion regarding the effective date of the ordinance, which would be 10 days from the date of passage.

#### VOTE

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

#### MOTION

Alderman Morris moved to waive Second Reading and approve Ordinance 2020-049; seconded by Alderman Faivre.

#### VOTE

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

### **M. REPORTS AND COMMUNICATIONS**

#### 1. Council Member Reports

Alderman Morris reported that she had received questions from people regarding the repaving of Twombly Road and wanted to clarify that currently Twombly Road utility work is being done this year and next year repaving and sidewalks will be completed. She also noted that the work is being done by the County.

Alderman Finucane reported that he had been exposed to COVID-19 and once again encouraged everyone to continue to practice social distancing and the use of other preventative measures like frequent washing of hands, using hand sanitizer and wearing masks when out in public.

Alderman Smith reported that he would be hosting a Ward 3 meeting in the near future.

Alderman McAdams reported that he had received comments from residents regarding the removal of trees due to the continued ash borer situation. He hopes that the replanting of some of these trees will be considered in the upcoming budget.

Alderman Verbic reported on the success of his July 22, 2020 ward meeting, noting that he will be hosting another on August 5, 2020.

Mayor Smith reported that the Municipal Band would be hosting events starting on July 28, 2020 and applauded the efforts of the DeKalb Park District to assist with social distancing.

Mayor Smith also reported that Ann Lehan would be retiring from Lehan Drugs on July 31, 2020 after 40 years of employment.

2. City Clerk Report

The City Clerk was absent. Executive Assistant Scott had no report.

3. City Manager Report

City Manager Nicklas addressed comments made earlier in the meeting regarding the water tower painting issue. Mayor Smith added that we must maintain integrity within the bidding process.

**N. EXECUTIVE SESSION**

Mayor Smith read the following by title only:

Approval to Hold an Executive Session to Discuss:

1. Purchase or Lease of Real Property (Land Acquisition) as Provided for in 5 ILCS 120/2(c)(5);
2. Real Estate as Provided for in 5 ILCS 120/2(c)(6); and
3. Pending or Imminent Litigation as Provided for in 5 ILCS 120/2(c)(11).

MOTION

Alderman Morris moved to recess for Executive Session; seconded by Alderman Faivre.

VOTE

Motion carried by a 7-0-1 roll call vote. Aye: Morris, Finucane, Smith, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Absent: Perkins. Mayor Smith declared the motion passed and recessed the meeting at 7:52 p.m.

**O. ADJOURNMENT**

MOTION

Following completion of the Executive Session, Alderman Verbic moved to adjourn the Regular meeting; seconded by Alderman McAdams.

VOTE

Motion carried by a 7-0-1 roll call vote. Aye: Morris, Finucane, Smith, McAdams, Verbic, Faivre, Mayor Smith. Nay: None. Absent: Perkins. Mayor Smith declared the motion passed and adjourned the meeting at 8:23 p.m.

Respectfully submitted,

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**RUTH A. SCOTT**, Executive Assistant

Approved by the City Council on August 10, 2020.