

**MINUTES  
CITY OF DEKALB  
CITY COUNCIL REGULAR MEETING  
SEPTEMBER 25, 2023**

The City Council of DeKalb, Illinois, held a Regular meeting on September 25, 2023, 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 6:01 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 Tracy Smith, Alderman Greg Perkins, Alderman Scott McAdams, Alderman Mike Verbic, Alderman John Walker, and Mayor Cohen Barnes.

Others in attendance included City Manager Bill Nicklas, City Attorney Matt Rose, and City Engineer Zac Gill.

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 as presented; seconded by Alderman Zasada.

VOTE: Motion carried by an 8-0 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Walker, Barnes. Nay: None. Mayor Barnes declared the motion passed.

**D. PRESENTATIONS**

1. Presentation of Veteran City of the Year Award to the City of DeKalb from Michael Embrey of the 40&8 (Forty and Eight) Veteran City Award Committee.

Mike Embrey was not present.

Mayor Barnes provided a history of the award, stating the 40&8 organization was originated by French nurses in World War I who helped save countless American lives.

Continuing, Mayor Barnes stated the City of DeKalb has been recognized and awarded the most Veteran Friendly City at the state and national level of the 40&8 organization.

Mayor Barnes stated this item would be tabled and returned at a future meeting.

**E. PUBLIC PARTICIPATION**

There was none.

**F. APPOINTMENTS**

Mayor Barnes read the following by title only:

1. Appointing Alderman Mike Verbic as Council Liaison to the Airport Advisory Board.

2. Appointing Paul Callighan to the Finance Advisory Committee for the Completion of a Four-Year Term through December 31, 2027.

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

VOTE: Motion carried by an 8-0 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Walker, Barnes. Nay: None. Mayor Barnes declared the motion passed.

## **G. CONSENT AGENDA**

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

1. Minutes of the Regular City Council Meeting of September 11, 2023.
2. Accounts Payable and Payroll through September 25, 2023, in the Amount of \$2,706,200.93.
3. Freedom of Information Action (FOIA) Report – August 2023.

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

VOTE: Motion carried by an 8-0 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Walker, Barnes. Nay: None. Mayor Barnes declared the motion passed.

## **H. PUBLIC HEARINGS**

There were none.

## **I. CONSIDERATIONS**

1. Consideration of a Northern Illinois University Foundation Request for an Extension to Exercise an Option to Redevelop City-Owned Real Estate at the Intersection of W. Hillcrest Drive and Blackhawk Road.

Alderman McAdams moved to bring this item to the floor for discussion; seconded by Alderman Zasada.

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

Northern Illinois University (NIU) representative Matt Streb expressed NIU's excitement for the project and stated a Greek Life Center will be helpful in revitalizing the Annie Glidden North neighborhood.

There was consensus from the Council to move forward.

City Manager Nicklas indicated this item will be brought back as a resolution at a future Council meeting.

2. Consideration of Possible Accommodations to Support Parking in the Downtown Area for Those with Mobility Challenges.

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

City Engineer Gill stated the downtown area attracts a wide range of people and the City wants to be accommodating to all. He further stated there are stringent standards for adding ADA accessible parking, therefore, stalls can't be put wherever we want. The slope of pavement in all directions, the steepness of the ramps, and the side rails for the visually impaired are all things that must be taken into consideration.

Continuing, City Engineer Gill stated with Council consent, ADA accessible stalls could be placed at the corner of Third Street and Lincoln Highway, which is close to popular destinations in the downtown area.

Brief discussion ensued.

There was consensus from the Council to move forward.

At this point in the meeting, it was noted that Mike Embrey was now present.

Alderman Zasada moved to allow the presentation of the 40&8 award; seconded by Alderman Perkins (see item D.1. on page one of these minutes).

Mr. Embrey spoke about the efforts made to make the City of DeKalb a Veteran Friendly City and the positive response it has received. He then presented the award to Mayor Barnes and the City Council.

## **J. RESOLUTIONS**

1. Resolution 2023-087 Approving a One-Year Lease Extension for SunVest Solar LLC through December 31, 2024.

Mayor Barnes read the resolution by title only.

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

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

Bill French, Regional Director of Project Development for SunVest, provided an update of the project, stating the Illinois Power Agency just posted their project list for 2024, and this project is number one on the list. Mr. French also invited the Council and City staff to a ribbon cutting on October 10, 2023, for the Gurler Road and S. First Street project, noting the solar facility will be open for tours following the ceremony.

There were no questions or comments from the Council.

VOTE: Motion carried by an 8-0 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Walker, Barnes. Nay: None. Mayor Barnes declared the motion passed.

2. Resolution 2023-088 Authorizing a Development Agreement with Richard Sinclair Properties LLC for the Redevelopment of 151 N. Fourth Street (PIN 08-23-160-031).

Mayor Barnes recused himself from this item as he owns property within the TIF district.

Alderman Verbic read the resolution by title only.

MOTION: Alderman Larson moved to approve the resolution; seconded by Alderman Smith. City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet.

Alderman McAdams thanked the principal owner of the building, Sam Patterson, for his interest in the building.

Alderman Verbic asked if parking on site will be sufficient or if this will be a sprawl parking situation. City Manager Nicklas replied there's no parking requirement in the downtown business district and no parking requirement for this property due to its age. He noted off street parking is available via a parking lot across the street from the building.

Alderman Zasada stated she believes this project has value and she's excited to see it come together. She added that any investment in improving a space and making it more livable is the whole purpose of TIF.

Alderman Perkins asked how many units will be on the second floor. Speaking from the audience, Mr. Patterson stated there will be five units on the second floor.

Alderman Perkins then asked how many commercial units would be on the first floor. Unfortunately, Mr. Patterson's response was inaudible as he was speaking from the audience and not the podium.

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

3. Resolution 2023-089 Authorizing Approval of a Real Estate Contract Between the City of DeKalb and D-N-J Properties, Inc. for Real Estate Commonly Known as 128-140 S. Second Street.

Mayor Barnes recused himself from this item as he owns property within the TIF district.

Alderman Verbic read the resolution by title only.

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

Nancy Dougherty expressed concerns regarding the subject contract and stated she hopes one of the tenants in the building, Tangles, receives sufficient assistance if it's sold to the City.

Dan Sears, owner of D-N-J Properties, stated negotiations with the City have been ongoing since the September 11, 2023, Council meeting, with the major sticking point being compensation for the tenants in the building, of which he is one. He noted that D-N-J Properties has offered to waive compensation for themselves as tenants to free up space for the City to negotiate with Tangles, adding should this matter go to eminent domain, there will be no such waiver of compensation. Mr. Sears also spoke regarding his concerns with the City ordered appraisal of the building.

Jennifer Boddy, owner of Tangles, stated the subject contract doesn't include anything about compensation for her business should the building be sold to the City and noted she would like something in writing for reassurance.

Alderman Walker expressed his support of Ms. Boddy, stating he also thinks the City should address its compensation terms for her business in writing.

Attorney Mark Doherty, representing D-N-J Properties, acknowledged there's been a lot of positive progress since the September 11, 2023, Council meeting, the latest being a draft of the subject contract between the two parties. However, there are a few issues that need to be resolved, one of which is compensation for the tenants. He noted they are also seeking reciprocal indemnification of any claims for any realtors that may be involved.

Alderman Larson asked when the lease with Tangles was signed. Mr. Sears stated a five year lease was signed on May 6, 2022. Attorney Doherty added that a copy of the lease has been provided to the City.

Alderman Larson then asked if there was anything in the lease about what would happen to the lease if the building was sold. Mr. Sears stated the new owner would assume the Tangles lease, noting it's a standard provision in real estate contracts.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. He also noted that the City received a response this afternoon from Attorney Doherty, and it seems that both parties are getting closer to an agreement on all the points, with the purchase price remaining as one of the issues. It was the City's understanding and intent to provide for the relocation of the Tangles business with the additional \$50,000 offered. However, the seller has indicated they intend to include the additional funds in the value of the property, and not for the relocation of Tangles.

Continuing, City Manager Nicklas stated he appreciates Ms. Boddy's comment that she would like something in writing regarding her relocation costs. The City's offer notes that those costs should be the responsibility of the sellers.

Alderman Zasada asked if the City is offering \$420,000 and presuming that \$50,000 will be used to cover the Tangles relocation. City Manager Nicklas replied that while there will be some relocation expenses, he doesn't believe it will cost \$50,000. He also added that if Ms. Boddy were to relocate within TIF district #3, she may be eligible for an Architectural Improvement Program loan with the permission of the building owner.

City Attorney Rose clarified there will be resolution on the Tangles lease one way or another. He added that one of the City's conditions in the contract states the purchase of the property will not move forward if the City is required to take on the lease.

Alderman Zasada asked if the Council is being asked to vote on a contract that has yet to be agreed upon by both parties. City Manager Nicklas replied the contract meets the parameters the Council has set to this point. Other issues concerning the removal of the furnace, title, closing costs, etc., can be handled by the City Attorney at closing. However, this item can be brought back to the Council in its entirety if that's preferred.

Alderman Zasada asked for feedback from other Council members.

Alderman Verbic stated he isn't in support of the project and would suggest that the Council not support something that isn't final. He also asked about the estimated total cost of the project, including the purchase of the property.

There was brief overlapping discussion between Alderman Verbic and City Manager Nicklas.

City Manager Nicklas stated the estimated project cost includes \$420,000 for the purchase of the property, approximately \$100,000 for the demolition of the building, another \$100,000 approximately to move the utilities, \$5,000 to \$10,000 for relocation costs, and \$100,000 to \$150,000 to pave the parking lot.

A brief discussion ensued regarding the estimated cost of the project and how those numbers were derived.

Alderman McAdams asked about the costs for relocating tenants in the Hunter Hillcrest building. City Manager Nicklas replied that Hunter Hillcrest was a different situation as negotiations regarding the price of the property were within a court settlement. The cost for relocation of the tenants was taken on by the City.

A brief discussion ensued between Alderman McAdams and City Manager Nicklas.

Alderman Zasada stated she doesn't have the appetite for this project anymore, and not because of the estimated costs, but because there's a deeper item at issue, which is property ownership and rights. She added that she believes the owners are very attached to the property, for whatever reason, and thinks the City should wait until the owners are ready to sell.

City Manager Nicklas commented that if we want to tolerate a building that's below par and not in the condition expected in the downtown area that's growing and becoming livelier, then the owners should be held accountable to the standards that have been approved and are reinforced every day. If we chose not to purchase the property, then he assumes the Council will want to be vigorous in the enforcement of the codes.

Alderman Walker asked if there are any documented violations regarding the building in question. City Manager Nicklas replied that access hasn't been offered, other than the City solicited appraisal that offered a general condition of the building. However, he'd be happy to send the City's Fire Prevention Officer through the building with the owner's permission to create a checklist of things that need to be improved.

Alderman Larson stated these are the types of votes that are hard because there are people that are going to be impacted personally. However, as stated in previous meetings, she still believes the decision should be based on DeKalb as a whole and not how it will impact three or four people. Alderman Larson added she believes a fair price is being offered and she still supports the project.

Alderman Verbic stated he's interested in proactive code enforcement throughout DeKalb to ensure situations such as the Hunter Hillcrest property don't end up on the backs of the taxpayers.

VOTE: Motion carried by a 4-3-1 roll call vote. Aye: Larson, Smith, Perkins, McAdams. Nay: Zasada, Verbic, Walker. Recused: Barnes. Alderman Verbic declared the motion passed.

## **K. ORDINANCES – SECOND 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 as he owns property within the TIF district.

Alderman Verbic read the ordinance by title only.

MOTION: Alderman Larson moved to approve Second Reading of the ordinance; seconded by Alderman McAdams.

Attorney Doherty stated he disagrees that negotiations are moving backward, noting this type of back and forth is normal. Nothing has been antagonistic or in bad faith on either side. He then offered a history of the purchase prices that have been offered and counteroffered.

Continuing, Attorney Doherty stated he's glad someone brought up the issue of selective code enforcement and noted there are other buildings in DeKalb that are also in need of attention. He further stated that while the terms of the real estate contract aren't final, he's hopeful that both parties will be able to come to agreeable terms.

Concluding his comments, Attorney Doherty stated that as far as inspections go, City Manager Nicklas has been in the building.

City Manager Nicklas commented he was in the building in 2019, but not as a representative of the City. He then provided a brief overview of this item based on the information provided in the agenda packet.

Recognizing the unusual timeframe for closing (July 2024), City Manager Nicklas noted a lot could happen between now and then. It's hoped that the owners will take responsibility for their tenant, as they've indicated in the past.

Attorney Doherty stated that private funds relating to this project were mentioned at the September 11, 2023, Council meeting, and during this meeting, however, that private party has not been disclosed as part of a public meeting, nor during negotiations.

City Manager Nicklas replied there has been private interest in the rejuvenation and rehabilitation of the block, which has been discussed in Executive Session, however, he's not at liberty to discuss that at this time. He added nothing has been consummated in the form of a contract with the private party.

There were no questions or comments from the Council.

VOTE: Motion failed by a 3-4-1 roll call vote. Aye: Larson, Smith, McAdams. Nay: Zasada, Perkins, Verbic, Walker. Recused: Barnes. Recording Secretary Scott declared the motion failed.

## **L. ORDINANCES – FIRST READING**

1. Ordinance 2023-040 Approving the Rezoning of the Eight-Acre Property Located on the East Side of N. Annie Glidden Road South of Twombly Road North of Ridge Drive from the "LC" Light Commercial District to the "PD-C" Planned Development Commercial District (DeKalb County Community Gardens).

Mayor Barnes read the ordinance by title only.

MOTION: Alderman McAdams moved to approve First Reading of the ordinance; seconded by Alderman Perkins.

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

Alderman McAdams offered his support for this item, stating he's happy a property has been located for this project and he thinks it will be an amazing addition to the neighborhood.

Addressing Dan Kenney of DeKalb County Community Gardens, Alderman Larson recalled her response "great idea, wrong location" to the previous site that was being pursued for this project. Regarding the current proposed site, she stated, "great idea, great location", and she's behind it 100%.

Alderman Perkins also offered his support.

Mayor Barnes stated this has been one of the most discussed items brought before the Council and agreed with Alderman Larson's comments. He noted his admiration for Mr. Kenney and his team for pulling this project together.

VOTE: Motion carried by an 8-0 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Walker, Barnes. Nay: None. Mayor Barnes declared the motion passed.

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

VOTE: Motion carried by an 8-0 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Walker, Barnes. Nay: None. Mayor Barnes declared the motion passed.

2. Ordinance 2023-041 Approving a Plat of Dedication for First Street Right-of-Way Dedicated by Carlson Oak LLC (PIN 08-14-329-021).

Mayor Barnes read the ordinance by title only.

MOTION: Alderman Larson moved to approve First Reading of the ordinance; seconded by Alderman Smith.

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

Mayor Barnes noted the Carlson's have been a part of the community for many years and he appreciates their dedication of the property for the continued growth of DeKalb.

Alderman Zasada expressed her excitement for the addition to the bike path and noted her appreciation of the Carlson's for this dedication.

VOTE: Motion carried by an 8-0 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Walker, Barnes. Nay: None. Mayor Barnes declared the motion passed.

MOTION: Alderman Zasada moved to waive Second Reading of the ordinance; seconded by Alderman Perkins.

VOTE: Motion carried by an 8-0 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Walker, Barnes. Nay: None. Mayor Barnes declared the motion passed.

3. Ordinance 2023-042 Amending Chapter 55 "Hotels and Motels" of the City of DeKalb Municipal Code.

Mayor Barnes read the ordinance by title only.

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

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 an 8-0 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Walker, Barnes. Nay: None. Mayor Barnes declared the motion passed.

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

VOTE: Motion carried by an 8-0 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Walker, Barnes. Nay: None. Mayor Barnes declared the motion passed.

## **M. REPORTS AND COMMUNICATIONS**

### 1. Council Member Reports.

Alderman McAdams welcomed D.P. Dough to the Fifth Ward.

Alderman Verbic thanked everyone that reached out with feedback and observations regarding the Normal Road closure and noted he'll share the observations with City Manager Nicklas and City Engineer Gill in the near future.

Alderman Perkins commented on the Taste of DeKalb event, which was held in the Van Buer Plaza on September 24, 2023, noting it's a great space for events.

Mayor Barnes reported on recent events and meetings he's attended, including the annual Illinois Municipal League conference; the DeKalb Corn Classic, noting the great weather and record number of participants; being a guest on the WLBK radio show; meeting with the NIU leadership team along with City Manager Nicklas to discuss campus and City collaboration; and speaking to students involved with the Leadership Academy program led by Bruce Griffith.

### 2. City Manager Report.

City Manager Nicklas had no report.

## **N. EXECUTIVE SESSION**

Mayor Barnes read the following Executive Session exceptions for the record:

1. Approval to Hold an Executive Session in Order to Discuss:
  - a. Executive Session Minutes as Provided for in 5 ILCS 120/2(c)(21); and
  - b. Personnel as Provided for in 5 ILCS 120/2(c)(1).

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

VOTE: Motion carried by an 8-0 roll call vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Walker, Barnes. Nay: None. Mayor Barnes declared the motion passed and recessed the Regular meeting at 7:42 p.m.

Following adjournment of the Executive Session, Mayor Barnes opened the meeting to the public at 8:09 p.m.

## **O. ADJOURNMENT**

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

VOTE: Motion carried by an 8-0 voice vote. Aye: Zasada, Larson, Smith, Perkins, McAdams, Verbic, Walker, Barnes. Nay: None. Mayor Barnes declared the motion passed and adjourned the Regular meeting at 8:10 p.m.

Respectfully submitted,

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Ruth A. Scott, Recording Secretary

Minutes approved by the City Council on October 9, 2023.

Click [here](#) to view the agenda packet for the September 25, 2023, Regular City Council Meeting.

Click [here](#) to view the video recording of the September 25, 2023, Regular City Council Meeting.