

**MINUTES
CITY OF DEKALB
CITY COUNCIL REGULAR MEETING
OCTOBER 10, 2022**

The City Council of DeKalb, Illinois held a Regular meeting on October 10, 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.

City Clerk Sasha Cohen was absent.

Others in attendance included City Manager Bill Nicklas, City Attorney Matt Rose, Public Works Director of Streets, Facilities and Airport Andy Raih, Transit Manager Mike Neuenkirchen, and Police Chief David Byrd.

B. PLEDGE OF ALLEGIANCE

Shadow Gentry led the Pledge of Allegiance.

C. APPROVAL OF THE AGENDA

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

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: White Cane Awareness Day, October 15, 2022.

Mayor Barnes read the proclamation in its entirety and recognized citizen Rachel Newlan.

E. PUBLIC PARTICIPATION

Alex Nerad, Executive Director of the Egyptian Theatre, spoke on behalf of the theatre and Stage Coach Players. He explained the hardship both organizations faced due to the COVID pandemic and asked Council to consider providing American Rescue Plan Act (ARPA) funding in the amount of \$75,000 for the theatre and \$25,000 for Stage Coach.

Mayor Barnes stated that Alderman Morris and Alderman Larson have requested this topic be placed on the October 24, 2022, City Council meeting agenda.

F. APPOINTMENTS

There were none.

G. APPROVAL OF THE MINUTES

1. Minutes Submitted by the City Clerk

There were none.

2. Minutes Submitted by the Recording Secretary

Mayor Barnes read the following by title only:

a. Minutes of the Regular City Council Meeting of September 26, 2022.

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

H. CONSENT AGENDA

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

1. Accounts Payable and Payroll through October 10, 2022, in the Amount of \$2,995,966.67.
2. Investment and Bank Balance Summary through August 2022.
3. Year-to-Date Revenues and Expenditures through August 2022.

MOTION: Alderman Perkins moved to approve the Consent Agenda; 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.

I. PUBLIC HEARINGS

There were none.

J. CONSIDERATIONS

1. Consideration of Electronic Product Promotion Kiosks and their Legality in the City of DeKalb.

Mayor Barnes read the consideration by title only.

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

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. The City has received requests from a few DeKalb businesses asking for permission to allow the placement of POMI Amusement Product Promotion Kiosks. Soft research indicates the kiosks are “electronic product promotion kiosk sweepstake games that provide a fun experience for customers with a chance to win cash.” After inserting a certain dollar amount, the customer receives a certificate, which entitles them to visit the POMI website and shop for

available products. In addition to the online shop, the customer receives tokens to play games for a monetary reward.

The “Sweepstakes” approach gets around the gambling description in the state law, but there is a “gaming” element in the sense that a credit card entry may not provide the products or the “fun” that is advertised. The Council’s stated concern about the proliferation of gaming devices of any description in DeKalb prompts this agenda item. Currently, one known business on Sycamore Road has introduced these machines without approaching the City, and more may be in the offing. City officials only became aware of these machines because one of the City’s licensed video gaming establishments questioned their legality.

Alderman Larson stated she did some research and feels this type of device falls into the category of gaming instead of amusement and she is not in favor.

Alderman Faivre asked if the state has weighed in on the subject. City Attorney Rose replied that the Illinois Gaming Commission (IGC) issued guidance about five years ago indicating these types of devices were considered gambling and were subject to the video gaming law. However, the guidance was challenged and the IGC decided to revoke it and now take a non-enforcement attitude towards the machines. City Attorney Rose further stated that the City has a broader definition of gaming devices than the IGC.

Alderman McAdams stated the Fifth Ward is opposed to gambling; therefore, he is not in favor.

Alderman Perkins asked if any other communities have weighed in on the topic. City Attorney Rose replied he wasn’t aware of any communities prohibiting the devices; however, he is aware of some communities taking enforcement actions under their own existing regulations and some have allowed it. He added that the City of Chicago has tried to enforce the non-proliferation of the devices, but it’s been haphazard because the devices are turning up in excess.

Noting the IGC’s lack of enforcement, Alderman Perkins asked how likely it would be for the City to be able to enforce prohibition of the devices. City Attorney Rose replied that it would be easier to enforce because it’s a stationary object that’s easily identified.

Alderman Faivre asked if the Illinois Municipal League (IML) has weighed in on the subject. City Attorney Rose replied he wasn’t aware of any statements from the IML regarding the devices.

Discussion ensued regarding the payment of taxes if someone were to win money from the devices.

Alderman Faivre indicated he was not in favor of allowing the devices in DeKalb businesses.

Alderman Morris asked about options – if Council decided to not allow the devices, would the Sycamore Road business be asked to remove them, or should the City license them with a specific limit of devices allowed. City Manager Nicklas stated it would be easy to enforce the City’s current code, which doesn’t allow these types of devices specifically. If Council decided to allow the devices, the City’s Municipal Code would need to be amended.

Discussion ensued.

Mayor Barnes stated he would support asking the Sycamore Road business to remove the devices after a certain timeframe, allowing them ample time to live out their commitment to the company that provided the devices, if any.

Alderman Verbic stated the City has better things to do with its time.

Alderman Perkins stated some research should be done to find out if the Sycamore Road business has made a long-term commitment for placement of the devices, and if they break that commitment, what are the implications.

Mayor Barnes asked Council if they want to allow the devices or not. There was consensus to not allow them.

Alderman Morris stated she hesitates to make a definitive decision because the devices may aid businesses in making their business model viable. She added that while she feels the devices are predatory in nature and don't add value to the community, she doesn't want to continue to tell local businesses they can't do something.

Mayor Barnes agreed with Alderman Morris' comments.

City Manager Nicklas stated the devices are currently located within a grocery store on Sycamore Road. He suggested the devices be prohibited, adding he will reach out to the business and find out what a reasonable period is for them to have the devices removed.

Alderman Perkins commented that the video gaming devices already in place are auditable by the IGC. However, the devices in question are not so there's no control over them and the business doesn't have the same competitive restraints as the video gaming establishments.

There was consensus among Council to bring back an ordinance prohibiting the placement and use of the devices in question.

2. Consideration of the City's Electrical Contracts and Municipal Aggregation Bids.

Mayor Barnes read the consideration by title only.

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

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. The City currently has three electrical contracts that will expire towards the end of the year, which include the airport, street lighting, and wells and treatment plants. Constellation Energy is the current provider under all three contracts. In addition to these contracts, electrical aggregation is also being reviewed.

To evaluate energy prices, the City requested bids from suppliers in both June and September of this year. Terms ranging from a minimum of 12 months up to 60 months were requested. Bids were received from AEP, Constellation, and Eligo Energy. In all cases, energy rates decrease as the length of the term increases, which suggests energy suppliers are hedging their bets on energy prices decreasing in the future.

City staff recommendations are as follows:

- Street Lighting – ComEd
- Airport – ComEd
- Wells and Treatment Plants – Constellation
- Electric Aggregation – ComEd

Discussion ensued between Alderman Perkins and City Manager Nicklas regarding the cost involved. City Manager Nicklas stated this covers every streetlight within the city, with the biggest

focus on the well and treatment plants. Andy Raih, Public Works Director of Streets, Facilities and Airport, indicated it was approximately \$350,000.

Discussion ensued between Alderman Faivre and City Manager Nicklas regarding the difference in cost and variables.

Alderman Larson commented on how electric usage is monitored on her family's farm.

Discussion ensued regarding the difference between day and night usage, rates, and budgeting the costs.

City Manager Nicklas indicated this topic is up for consideration via Resolution 2022-101 later in the agenda.

K. RESOLUTIONS

1. Resolution 2022-096 Authorizing a City Hall Mural Contract with Danielle Casali in an Amount Not to Exceed \$30,000.

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. This item concerns public art on downtown buildings, specifically the south side of the City Hall building at 164 E. Lincoln Highway. Currently there are several smaller and faded murals on the wall portraying different events that annually occur in our city. The Citizens' Community Enhancement Commission (CCEC) has been interested in a unique and unitary design that portrays the "Belonging" theme that the City and a variety of Northern Illinois University (NIU) faculty and staff and other community members have embraced as a defining initiative.

Following design submissions of several muralists, the CCEC has selected artist Danielle Casali to create the mural. Recently, Ms. Casali completed a large mural in Hinckley that included both a painted background and a large expanse of glass and mosaic panels with the assistance of community participation. The cost of this collaborative work will not exceed \$30,000. The City's cost will be \$10,000. The balance will come from the \$50,000 T-Mobile grant for public art. Given the closing winter weather, the actual construction will not begin until 2023.

Mayor Barnes commented on meetings he's had with the CCEC and City Manager Nicklas regarding the mural and feels that Ms. Casali can create a piece that brings a sense of belonging.

Alderman Verbic stated he loves the idea and suggested that funding be set aside to place a video camera on the site to avoid vandalism, as well as funding to sustain the mural throughout the years.

Alderman Perkins asked about the status on the other mural projects. City Manager Nicklas replied there are some smaller scale projects on the horizon, including the Annie Glidden Road underpass.

Discussion ensued.

Alderman Morris asked if Council would have any say in what the murals will look like. City Manager Nicklas and Mayor Barnes indicated ideas would be brought before Council for discussion before the work starts.

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 2022-097 Authorizing the Purchase of One Bobcat L38 Small Articulated Loader with Attachments through C.S.R. Bobcat Inc. in an Amount Not to Exceed \$52,985.79.

Mayor Barnes read the resolution by title only.

MOTION: Alderman Morris 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 Public Works Department is requesting authorization to purchase one new Bobcat L38 Articulated Loader through C.S.R. Bobcat. The equipment will primarily be used for snow removal operations but will prove beneficial year-round due to its many attachments. Over the past few years, the Public Works Department has contracted out certain aspects of snow removal within the city. However, with rising fuel and labor costs and the recent expansion of sidewalks in the Central Business District, City staff feel it would be more cost-effective to forego a Request for Proposals for private contractor services and absorb the additional snow removal in-house. The savings of \$52,662.50 in the Snow Removal Services line item (100-30-33-63400) will nearly cover the cost of the Bobcat unit. The remaining balance will be covered through the Street Equipment fund (100-30-33-86000).

Alderman McAdams stated he thinks this is a good idea.

Mayor Barnes stated that he and City Manager Nicklas have discussed establishing a Special Service Area for the downtown area to help absorb some of the costs.

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 2022-098 Rejecting a Bid by Fischer Excavating in the Amount of \$769,869.20 for 290 Feet of Water Main Replacement on N. First Street Across the Kishwaukee River.

Mayor Barnes read the resolution by title only.

MOTION: Alderman Faivre 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 two bridges over the Kishwaukee River located at N. First Street and Lucinda Avenue are scheduled to be replaced next year. As part of the Lucinda Avenue bridge replacement project, the existing 10-inch water main needs to be replaced since the existing main location will interfere with the reconstruction of the bridge. The N. First Street bridge replacement did not require relocation of the existing water main; however, the Utility Division was interested in exploring the cost for replacement of a 290-foot section of water main across the Kishwaukee River running along the east side of the bridge, because it has had a history of failures over the years.

A Request for Bids was released, and a bid opening held on September 15, 2022. Fischer Excavating was the only bidder in the amount of \$769,869.20, which was \$549,124.60 over the engineering estimate of \$220,744.60 making it much higher than anticipated and substantially more than budgeted for this project. Because the water main doesn't need to be relocated and the significantly higher bid would substantially exceed the budgeted amount for this project, the Utility Division is requesting rejection of the bid. The replacement of the bridge will not hamper or

impede any future water main replacement at this location, should the City wish to revisit this project at a later time.

There were no questions or comments from 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.

4. Resolution 2022-099 Authorizing the Appropriation of Local Funds and a Joint Funding Agreement with the Illinois Department of Transportation for the Extension of a Multi-Use Path Along Fairview Drive for an Estimated \$18,500.

Mayor Barnes read the resolution by title only.

MOTION: Alderman Morris 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. Approval of this item would authorize a joint funding agreement with the Illinois Department of Transportation (IDOT) and commit the required local share of funds for the proposed multi-use bike path extension along Fairview Drive scheduled for a January 2023 bid letting at the state level. The agreement binds the City to complete the DSATS Active Transportation initiatives such as the proposed trail plans that seek to assure connectivity for cyclists and pedestrians throughout the region. The bikeway would also provide safer access for pedestrians or cyclists to several large employers in Park 88 and increase recreational experiences for residents. The principal funding is provided through DSATS "small projects" STU allocations. The local match is provided through MFT funds. Construction will begin in the Summer of 2023.

Alderman Morris and Alderman Faivre both expressed their excitement regarding the extension of the community's bike paths.

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 2022-100 Adopting the Recommendation of the Transit Site Selection Committee for the New Transit Maintenance and Operations Facility at the Dresser Road Location and Approving the Final Minutes of and Dissolving the Transit Site Selection Committee.

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. On September 22, 2022, the Transit Site Selection Committee (TSSC) met to discuss the site selection for a transit center based on the report/study provided by Stantec Architecture, Inc. Three sites were under consideration and included the City's Dresser Road site, a 52.8-acre Barber Greene Road site including two parcels, and a 15.5-acre W. Lincoln Highway site. The site recommended by Stantec was the Dresser Road site.

Alderman Morris stated that while she's not ecstatic that the site selected is on Dresser Road, she believes the report provided is thorough and she appreciates the TSSC's recommendation.

Mayor Barnes, Alderman Larson, Alderman McAdams, and Alderman Verbic expressed thanks to the TSSC for the recommendation and indicated their support for the site selection.

Alderman Morris added it will be important as the City moves forward to consider the environmental impact of buses and suggested eventually moving over to hybrid buses.

Transit Manager Neuenkirchen stated the Federal Transit Authority (FTA) is pushing towards incentivizing the purchase of electric vehicles.

Brief discussion ensued between Alderman Morris and Transit Manager Neuenkirchen.

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.

6. Resolution 2022-101 Authorizing the Negotiation of an Agreement for the Provision of Wholesale Electricity for Water Wells and Water Treatment Plants in the City of DeKalb.

Mayor Barnes read the resolution by title only.

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

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. As noted in Consideration #2 above, three City electrical contracts will expire towards the end of this year (airport, street lighting, and wells and treatment Plants). After putting each contract out for bid, it's likely that a potential cost savings may be achieved by entering into a contract with an alternate energy supplier for the wells and treatment plants, as opposed to defaulting to the ComEd rate. The quotes for wholesale electricity are only valid for a one-day period and require a commitment within a terribly compressed period of time. This resolution gives City staff the opportunity to achieve a favorable agreement for the water wells and treatment plants if an acceptable market bid is offered.

There were no questions or comments from 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.

7. Resolution 2022-102 Authorizing the Award of a Contract to Curran Contracting Inc. in the Amount of \$213,753.36 for the Resurfacing of Ridge Drive with Staff Authority to Approve Change Orders Up to a Combined Project Total Not to Exceed \$222,000.

Mayor Barnes read the resolution by title only.

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

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. This item authorizes a contract with the single bidder on the resurfacing of Ridge Drive from Normal Road to its west terminus. The base bid from Curran Contracting was in the amount of \$213,753.36. The resolution allows for change orders up to a not-to-exceed price of \$222,000. The funding for this project will come from the CDBG fund (Fund 280).

There were no questions or comments from 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

1. Ordinance 2022-047 Authorizing a Development Agreement with American Marketing and Publishing Company.

Mayor Barnes read the ordinance by title only.

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

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. The Council approved first reading of this ordinance on September 26, 2022, to allow for further public review and discussion. As noted in that meeting, the Nehring Company's impressive growth in and around the neighborhood where it was established early in the twentieth century has rubbed up against neighboring properties, which include primarily industrial or commercial-zoned properties between N. Seventh Street and N. Tenth Street, and several residential-zoned properties east of the intersection of N. Tenth Street. Recently, the company has made investments which promise further growth in production and greater wire storage needs.

The owner of American Marketing, Abe Andrzejewski, has made it known to City staff that the proposed closure of E. Locust Street from N. Tenth Street to N. Seventh Street to help create a "campus" for truck traffic serving Nehring Electric will pose some significant challenges for the access of his employees to his parking lots. City staff have worked collaboratively with Mr. Andrzejewski in the past month to draft some parking changes that would serve American Marketing's employees as well as Nehring Electric's employees. The proposed "solution" has the following components: the creation of about 22 perpendicular parking stalls on N. Ninth Street, the creation of ingress and egress points for the American Marketing parking adjoining N. Tenth Street, and the preservation of the public sidewalk on the south side of E. Locust Street to afford unfettered transit for pedestrians and employees of the various adjoining businesses.

Since the September 26 Council meeting, the City staff have not received any public comments relating to this Agenda item.

There were no questions or comments from 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. Ordinance 2022-048 Authorizing a Development Agreement with Nehring Electrical Works Company.

Mayor Barnes read the ordinance by title only.

MOTION: Alderman Perkins moved to approve the ordinance; seconded by Alderman Faivre.

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. The Council's recent discussion of a development agreement with Nehring Electrical Works Company is a creative approach to the redevelopment of an industrial area that has roots in the City's distant past. Without a TIF district to partially support redevelopment in the area, the City has been working on alternative paths to a neighborhood solution for traffic congestion and limited on-street parking.

The Nehring agreement includes the following features: the Company's acquisition of the former Virgil Cook & Son properties at 119 N. Eighth Street, the City's construction of a modified cul-de-

sac on N. Ninth Street about 100 feet north of E. Lincoln Highway to allow access to the rental unit at 116 N. Ninth Street and new perpendicular parking serving American Marketing, the City's vacation of N. Ninth Street from the new, modified cul-de-sac to E. Locust Street to allow for the unrestricted backing of tractor trailers into the prime loading dock area serving the original Company building, the City's vacation of E. Locust Street from N. Seventh Street to N. Tenth Street to create a private parking area where tractor trailers loading and unloading would not conflict with other vehicular traffic, the City's vacation of the alley immediately west of the former Virgil Cook properties, the City's vacation of N. Eighth Street from E. Lincoln Highway to E. Locust Street for unrestricted use by Nehring Electric because the short street section would no longer serve other vehicular traffic, the City's enlargement of the storm drainage piping leaving the catch basin at N. Ninth Street and E. Locust Street at its sole expense, to eliminate chronic ponding that restricts truck movements whenever there is a large rain event, and the rezoning of the subject parcels to "PD-I" Planned Development District - Industrial to provide the maximum flexibility for the Company as it re-arranges vital functions within the proposed complex. Further, the City will make a good faith effort to repair the Locust Street storm sewer this fall before the winter weather arrives. The remaining street work is planned to occur in 2023.

Alderman Verbic thanked Alderman Perkins and City staff for their work on this project.

Alderman Larson asked about the number of required parking spaces. City Manager Nicklas replied that every inch of space is being used to make this a better situation. He applauded Alderman Perkins' tenacity to make it better.

Alderman Perkins thanked City staff for their work on the project.

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.

M. ORDINANCES – FIRST READING

1. Ordinance 2022-051 Amending Chapter 10 "Landlord-Tenant Regulations" as it Pertains to the Crime Free Housing Provisions.

Mayor Barnes read the ordinance by title only.

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

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. The Council considered a recommendation from the City Manager at their September 26, 2022, meeting to create a new Crime-Free Initiative. The initiative has been prompted by recent weapons-related offenses and citizen complaints culminating in a series of senseless and tragic shootings. After considerable public input, Council directed the City Manager to return with an ordinance revision to replace the current "three-strike" system of crime-free housing provisions generally adopted in 2013 with a new system that would compress the period required to establish a pattern of unlawful conduct in a city rental unit, initiate the City's involvement once any illegal activity is identified by responding Police officers, whether or not an arrest is made on the spot, and impose very stiff fines on those landlords or managers whose rental units are the location of unlawful offenses.

Dewayne Brown expressed his opinion regarding the matter noting he is not in favor of the changes.

Neeley Erickson expressed her concerns regarding the changes to Chapter 10 and encouraged further review.

Will Heinisch stated that City staff and the DeKalb Area Realtors Association (DARA) met recently and discussed changes that could be made to the proposed Chapter 10 amendment. He added that DARA would like to see more affirmative defenses to differentiate between responsible and irresponsible landlords.

City Manager Nicklas addressed some misconceptions relating to the Chapter 10 amendment.

Alderman Verbic described some of the research he's done regarding the issue of crime in DeKalb and the roadblocks landlords face when it comes to evicting a tenant.

Alderman Larson stated she sees these changes as being proactive by giving some landlords more incentives to be better.

Alderman Morris stated she perceives the changes to be proactive in the context that the City is forcing landlords to make more deliberate decisions up front.

Alderman McAdams stated exceptions should be made for landlords who are trying to communicate. He noted his support.

Alderman Faivre stated his appreciation for the collaboration between the City and local landlords. He also noted his support.

Alderman Verbic thanked City Manager Nicklas for addressing the concerns raised and asked what can be done to help property owners moving forward.

Alderman Morris stated she has been waiting for a change and this is a collaborative effort to fix a problem we haven't been able to fix yet.

Brief discussion ensued.

Mayor Barnes thanked the DARA leadership for the ongoing conversations concerning this topic.

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. Ordinance 2022-052 Approving a Final Plat of Subdivision for Park 88 Unit 5 Along Macom Drive (Park 88 Group, LLC).

Mayor Barnes read the ordinance by title only.

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

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. Park 88 Group LLC has requested approval of a Minor Subdivision Plat for a one-lot subdivision consisting of 15.6 acres along the south side of Macom Drive, across from the Target Distribution Center. The intent is to create a lot for a future development called Project Verdant, which brings a productive use that is permitted in the Park 88 development agreement. The preliminary and final plans (engineering, landscaping, architectural elevations) for the Project Verdant site will be submitted at a later date and will require Planning and Zoning Commission and City Council review and approval per the Park 88 Agreement.

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 Morris moved to waive second reading of the ordinance and approve; 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.

Both Mayor Barnes and Alderman Faivre thanked the developer for investing in DeKalb.

3. Ordinance 2022-053 Amending Chapter 51 "Traffic", Schedule C "Parking Prohibited", as it Pertains to Changing the Tow Zone Time from 2:00 a.m. to 12:00 a.m.

Mayor Barnes read the ordinance by title only.

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

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. The Police Department has requested towing of vehicles parked illegally in designated and posted "Safe Street" locations be moved from 2:00 a.m. to 12:00 midnight. The affected streets go through some of the most densely populated areas of the community and represent the areas of the highest concentration of Police calls for service and violent crime within the city. They also represent the residential areas that have been historically used for impromptu roving parties consisting of a large number of vehicles and individuals. An earlier allowance for Police tows will help disband the nuisance and diminish risks associated with pop-up parties that overflow into public streets carrying the "Safe Street" parking restrictions.

Alderman Faivre asked if signs in the area would be updated, to which City Manager Nicklas replied they would.

Mayor Barnes spoke of a recent ride-along with Police, stating that giving the Police the ability to enforce parking two hours earlier will free them up to deal with other issues.

Police Chief Byrd thanked Council for their consideration.

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 Perkins moved to waive second reading of the ordinance and approve; 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.

4. Ordinance 2022-054 Amending Chapter 51 "Traffic", Schedule C "Parking Prohibited", as it Pertains to Establishing Resident Only Parking on Locust Street.

Mayor Barnes read the ordinance by title only.

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

City Manager Nicklas provided an overview of this item based on the information provided in the agenda packet. This item is a companion to the Nehring and American Marketing ordinances above (Ordinance 2022-047 and Ordinance 2022-048). This revision would restrict parking on the south side of E. Locust Street, from N. Tenth Street to the N. Eleventh Street, for the benefit of residents and their guests. A similar adjustment was successfully implemented for residents on

Barb Boulevard and would eliminate the annoyance of semi-trailer parking in front of resident homes in this area.

There were no questions or comments from 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.

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

N. REPORTS AND COMMUNICATIONS

1. Council Member Reports.

Alderman Faivre encouraged drivers to be more vigilant while driving now that it's getting darker earlier in the evening.

Alderman Verbic reported that resurfacing in the Knolls area will begin the week of October 17, adding that the project should be done by the end of October.

Alderman Larson encouraged residents to watch for farm vehicles during harvest.

Mayor Barnes reported on recent events and meetings he's attended and been a part of, which included the dedication of an historical marker for Dr. Chase, who was a lead researcher at DeKalb Genetics, the Veteran's Memorial Dedication, the NIU Homecoming Parade on October 6, 2022, and a Police ride-along during NIU's Homecoming festivities. He expressed his thanks to the Illinois State Police and the NIU Police Department for working collaboratively with the DeKalb Police Department to keep residents and students safe during the weekend's events.

Police Chief Byrd noted that thank you letters were sent to those policing agencies who assisted during homecoming weekend.

2. City Manager Report.

City Manager Nicklas provided Council with an update on progress the DeKalb Iron and Metal Company (DIMCO) has made since the last Council meeting. They've made a significant effort to crush vehicles in the first week but there are still cars left to be crushed. Further, there's a large pile of rebar that's been salvaged and collected for a long period of time that needs to be removed. He also noted that the owner has been in contact with the City.

Brief discussion ensued and there was consensus to bring Ordinance 2022-028 back before Council at their next meeting.

O. EXECUTIVE SESSION

1. Approval to Hold an Executive Session in Order to Discuss the Purchase or Lease of Real Property as Provided for in 5 ILCS 120/2(c)(5).

Mayor Barnes read the Executive Session exemption by title only.

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, Larson, Perkins, McAdams, Verbic, Faivre, Barnes. Nay: None. Absent: Smith. Mayor Barnes declared the motion passed and recessed the meeting at 8:21 p.m.

Following adjournment of the Executive Session, Mayor Barnes opened the meeting to the public at 8:43 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 8:43 p.m.

Respectfully submitted,

Ruth A. Scott, Recording Secretary

Minutes approved by the City Council on October 24, 2022.

Click [here](#) to view the agenda packet for the October 10, 2022, Regular City Council meeting.

Click [here](#) to view the video recording of the October 10, 2022, Regular City Council meeting.