

**AUTHORIZING THE APPROVAL AND RELEASE OF CERTAIN EXECUTIVE SESSION MEETING MINUTES, AND THE DESTRUCTION OF CERTAIN VERBATIM RECORDINGS.**

**WHEREAS**, the Illinois Open Meetings Act, 5 ILCS 120/1, *et seq.* (the "OMA") requires all public bodies to periodically meet to review minutes of all closed meetings, make a determination as to whether said minutes still require confidential treatment, and report said determination in an open session; and

**WHEREAS**, the corporate authorities of the City of DeKalb (the "City") met to review the minutes of their closed meetings, made a determination as to need for confidentiality of said minutes, and now report said determination pursuant to the provisions of this resolution; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DEKALB, ILLINOIS:**

**SECTION 1:** The City's corporate authorities approve the minutes of the executive session meetings as indicated on Exhibit A attached hereto and incorporated herein by reference (the "Executive Session Meetings Index"). Additionally, the City's corporate authorities approve the release of executive session minutes indicated as being recommended for release on the Executive Session Meetings Index. Moreover, the City's corporate authorities find that the need for confidentiality still exists as to all or part of those minutes indicated as not being recommended for release on the Executive Session Meetings Index. Furthermore, the City's corporate authorities approve the destruction of the verbatim recordings of those executive session meetings which are older than 18 months and which the City's corporate authorities have approved the written minutes thereof. Finally, the City's corporate authorities authorize and direct the Executive Assistant/Recording Secretary to take all necessary actions to effectuate this resolution.

**SECTION 2:** This resolution and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such resolution should (a) contain terms contrary to the provision of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the City's corporate authorities that to the extent that the terms of this resolution should be inconsistent with any non-preemptive state law, this resolution shall supersede state law in that regard within its jurisdiction.

**SECTION 3:** This resolution shall be in full force and effect from and after its passage and approval as provided by law.

**PASSED BY THE CITY COUNCIL** of the City of DeKalb, Illinois at a Regular meeting thereof held on the 8<sup>th</sup> day of August 2022 and approved by me as Mayor on the same day. Passed by an 8-0 roll call vote under the Consent Agenda. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Barnes (Remote). Nay: None.



  
**COHEN BARNES, Mayor**

ATTEST:



Ruth A. Scott, Executive Assistant

**EXHIBIT A**  
**(The “Executive Session Meetings Index”)**



## Executive-Closed Session Minutes Index

2018		Recommendation for Release	
		Yes	No
<b>January 8, 2018 (Regular)</b> Approved: May 29, 2018 Audio Destroyed: February 2, 2022	Personnel	Released: March 22, 2021	
	Purchase or Lease of Real Property		
<b>March 20, 2018 (Special COW)</b> Approved: July 9, 2018 Audio Destroyed: February 2, 2022	Personnel	Released: March 22, 2021	
<b>April 4, 2018 (Special)</b> Approved: July 9, 2018 Audio Destroyed: February 2, 2022	Personnel	Released: March 22, 2021	
	Selection of a Person to Fill a Public Office		
<b>April 17, 2018 (Special COW)</b> Approved: July 9, 2018 Audio Destroyed: February 2, 2022	Personnel	Released: March 22, 2021	
<b>May 14, 2018 (Regular)</b> Approved: July 9, 2018 Audio Destroyed: February 2, 2022	Collective Bargaining	Released: August 8, 2022	
	Executive Session Minutes	Released: March 22, 2021	
	Personnel		
	Selection of a Person to Fill a Public Office		
<b>June 11, 2018 (Regular)</b> Approved: July 9, 2018 Audio Destroyed: February 2, 2022	Executive Session Minutes	Released: March 22, 2021	
	Pending or Imminent Litigation		
<b>July 9, 2018 (COW)</b> Approved: January 14, 2019 Audio Destroyed: February 2, 2022	Purchase or Lease of Real Property	Released: March 22, 2021	
<b>July 23, 2018 (Regular)</b> Approved: January 14, 2019 Audio Destroyed: February 2, 2022	Purchase or Lease of Real Property	Released: March 22, 2021	
<b>September 10, 2018 (Regular)</b> Approved: January 14, 2019 Audio Destroyed: February 2, 2022	Pending or Imminent Litigation		X
<b>November 13, 2018 (Regular)</b> Approved: January 14, 2019 Audio Destroyed: February 2, 2022	Collective Bargaining		X
	Pending or Imminent Litigation		X
	Selection of a Person to Fill a Public Office		X
<b>November 16, 2018 (Special)</b> Approved: January 14, 2019 Audio Destroyed: February 2, 2022	Personnel	Released: March 22, 2021	
	Selection of a Person to Fill a Public Office		
<b>November 26, 2018 (COW)</b> Approved: January 14, 2019 Audio Destroyed: February 2, 2022	Pending or Imminent Litigation		X
	Personnel		X
<b>December 6, 2018 (Special)</b> Approved: January 14, 2019 Audio Destroyed: February 2, 2022	Personnel	Released: March 22, 2021	
	Selection of a Person to Fill a Public Office		
<b>December 10, 2018 (COW)</b> Approved: January 14, 2019 Audio Destroyed: February 2, 2022	Personnel	Released: March 22, 2021	
	Selection of a Person to Fill a Public Office		

**MINUTES  
CITY OF DEKALB  
REGULAR MEETING OF CITY COUNCIL  
EXECUTIVE SESSION  
MAY 14, 2018**

The City Council of DeKalb, Illinois held an Executive Session on May 14, 2018, at the DeKalb Municipal Building, 200 South Fourth Street, Room 201, DeKalb, Illinois. The Executive Session was called by a majority vote of the City Council at the Regular Meeting of City Council of the same day.

The Executive Session started at 9:34 p.m. Council members in attendance were: Alderman David Jacobson, Alderman Bill Finucane, Alderman Mike Marquardt, Alderman Pat Fagan, Alderman Kate Noreiko, Alderman Mike Verbic and Mayor Jerry Smith.

Also present were: City Attorney Dean Frieders, Deputy City Clerk Ruth Scott, Human Resources Director Cris Randall, Public Works Director Tim Holdeman, and Attorney Ben Gehrt.

**PERSONNEL 5 ILCS 120/2(C)(1) AND PERSON TO FILL A VACANCY IN A PUBLIC OFFICE 5 ILCS 120/2(C)(3) (Released: March 22, 2021)**

Council was notified that Interim City Manager Patty Hoppenstedt would be moving out of state sooner rather than later. Mayor Smith stated he's had conversations with Department Heads and Finance Director Molly Talkington has indicated she's interested in taking on the role of Interim City Manager, with a 10% increase in compensation, until someone is hired for the role permanently. It was the consensus of Council to proceed.

**EXECUTIVE SESSION MINUTES 5 ILCS 120/2(C)(21) (Released: March 22, 2021)**

City Attorney Frieders stated that none of the Executive Session minutes up for approval are suggested for release. As always, Executive Session minutes are available for review with Deputy City Clerk Scott at any time.

**COLLECTIVE BARGAINING 5 ILCS 120/2(C)(2) (Released: August 8, 2022)**

This discussion was based on having City employees supplement snow and ice services during an extreme snow and ice event. Attorney Gehrt explained that stated that by using other city employees with these types of skill sets, the City would be able to allow Public Works employees more of an opportunity to rest after driving large pieces of equipment. He further stated that this is done in other communities. After a brief discussion, it was the consensus of Council to move forward.

**ADJOURNMENT**

Alderman Fagan moved to adjourn the Executive Session; seconded by Alderman Verbic. Motion carried on a voice vote of 8-0. Aye: Jacobson, Finucane, Marquardt, Fagan, Noreiko, Verbic, and Smith. Nay: None.

The Executive Session adjourned at 10:02 p.m.

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**RUTH A. SCOTT, Deputy City Clerk**

## Executive-Closed Session Minutes Index

2019		Recommendation for Release	
		Yes	No
<b>February 11, 2019 (Regular)</b> Approved: June 10, 2019 Audio Destroyed: February 2, 2022	Collective Bargaining		X
<b>March 11, 2019 (Regular)</b> Approved: June 10, 2019 Audio Destroyed: February 2, 2022	Collective Bargaining		X
<b>March 25, 2019 (Regular)</b> Approved: June 10, 2019 Audio Destroyed: February 2, 2022	Pending or Imminent Litigation	Released: March 22, 2021	
	Personnel		
<b>April 3, 2019 (Special)</b> Approved: June 10, 2019 Audio Destroyed: February 2, 2022	Personnel	Released: March 22, 2021	
<b>April 8, 2019 (Regular)</b> Approved: June 10, 2019 Audio Destroyed: February 2, 2022	Pending or Imminent Litigation (Not acted on; included for transparency purposes)	N/A	
	Personnel	Released: March 22, 2021	
	Security Procedure		X
<b>May 13, 2019 (Regular)</b> Approved: June 10, 2019 Audio Destroyed: February 2, 2022	Pending or Imminent Litigation	Released: March 22, 2021	
	Personnel		
	Purchase or Lease of Real Property		
	Sale or Lease of Real Property		
<b>May 28, 2019 (Regular)</b> Approved: June 22, 2020 Audio Destroyed: February 2, 2022	Personnel	Released: March 22, 2021	
	Executive Session Minutes		
<b>June 24, 2019 (Regular)</b> Approved: June 22, 2020 Audio Destroyed: February 2, 2022	Executive Session Minutes	Released: March 22, 2021	
<b>July 8, 2019 (Regular)</b> Approved: June 22, 2020 Audio Destroyed: February 2, 2022	Purchase or Lease of Real Property	Released: March 22, 2021	
<b>July 22, 2019 (Regular)</b> Approved: June 22, 2020 Audio Destroyed: February 2, 2022	Pending or Imminent Litigation		X
	Personnel	Released: September 23, 2019	
<b>August 12, 2019 (Regular)</b> Approved: June 22, 2020 Audio Destroyed: February 2, 2022	Pending or Imminent Litigation	Released: March 22, 2021	
	Personnel		
<b>August 26, 2019 (Regular)</b> Approved: June 22, 2020 Audio Destroyed: February 2, 2022	Pending or Imminent Litigation		X
<b>September 9, 2019 (Regular)</b> Approved: June 22, 2020 Audio Destroyed: February 2, 2022	Executive Session Minutes	Released: March 22, 2021	
	Pending or Imminent Litigation		
	Personnel		



## Executive Session Minutes Listing

2019		Recommendation for Release	
		Yes	No
<b>October 14, 2019 (Regular)</b> Approved: June 22, 2020 Audio Destroyed: February 2, 2022	Pending or Imminent Litigation	Released: March 22, 2021	
	Purchase or Lease of Real Property		
<b>November 12, 2019 (Regular)</b> Approved: June 22, 2020 Audio Destroyed: February 2, 2022	Purchase or Lease of Real Property	Released: March 22, 2021	
<b>November 25, 2019 (Regular)</b> Approved: June 22, 2020 Audio Destroyed: February 2, 2022	Personnel	Released: March 22, 2021	
	Purchase or Lease of Real Property		



## Executive-Closed Session Minutes Index

2020		Recommendation for Release	
		Yes	No
<b>January 13, 2020 (Regular)</b> Approved: June 22, 2020 Audio Destroyed: February 2, 2022	Collective Bargaining		X
	Pending or Imminent Litigation	Released: August 8, 2022	
<b>January 27, 2020 (Regular)</b> Approved: June 22, 2020 Audio Destroyed: February 2, 2022	Pending or Imminent Litigation	Released: August 8, 2022	
	Personnel		
<b>February 10, 2020 (Regular)</b> Approved: March 22, 2021 Scheduled Audio Destruction: September 22, 2022	Collective Bargaining		X
	Personnel	Released: August 8, 2022	
<b>March 9, 2020 (Regular)</b> Approved: March 22, 2021 Scheduled Audio Destruction: September 22, 2022	Pending or Imminent Litigation		X
<b>May 11, 2020 (Regular)</b> Approved: March 22, 2021 Scheduled Audio Destruction: September 22, 2022	Personnel		X
<b>May 26, 2020 (Regular)</b> Approved: March 22, 2021 Scheduled Audio Destruction: September 22, 2022	Personnel		X
<b>June 8, 2020 (Regular)</b> Approved: March 22, 2021 Scheduled Audio Destruction: September 22, 2022	Pending or Imminent Litigation		X
	Executive Session Minutes	Released: August 8, 2022	
<b>July 13, 2020 (Regular)</b> Approved: March 22, 2021 Scheduled Audio Destruction: September 22, 2022	Collective Bargaining		X
<b>July 27, 2020 (Regular)</b> Approved: March 22, 2021 Scheduled Audio Destruction: September 22, 2022	Pending or Imminent Litigation		X
	Purchase or Lease of Real Property		X
	Real Estate		X
<b>September 28, 2020 (Regular)</b> Approved: March 22, 2021 Scheduled Audio Destruction: September 22, 2022	Personnel		X
	Pending or Imminent Litigation		X
<b>November 9, 2020 (Regular)</b> Approved: March 22, 2021 Scheduled Audio Destruction: September 22, 2022	Personnel		X
	Pending or Imminent Litigation		X
<b>November 23, 2020 (Regular)</b> Approved: March 22, 2021 Scheduled Audio Destruction: September 22, 2022	Collective Bargaining		X
<b>December 14, 2020 (Regular)</b> Approved: March 22, 2021 Scheduled Audio Destruction: September 22, 2022	Collective Bargaining		X



**MINUTES  
CITY OF DEKALB  
REGULAR MEETING OF CITY COUNCIL  
EXECUTIVE SESSION  
JANUARY 13, 2020**

The City Council of DeKalb, Illinois, held an Executive Session on January 13, 2020, in the Executive Conference Room of the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the Council during its Regular Meeting the same day.

The executive session started 8:54 p.m. Council members in attendance were: Alderman Carolyn Morris, Alderman Bill Finucane, Alderman Tracy Smith, Alderman Greg Perkins, Alderman Scott McAdams, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Also present were: City Manager Bill Nicklas, Assistant City Manager Ray Munch, City Attorney John Donahue, Interim Police Chief John Petragallo, and City Clerk Lynn Fazekas.

Council authorized the executive session under the following exceptions to the Open Meetings Act:

**Collective Bargaining as Provided for in 5 ILCS 120/2(c)(2).**

**Pending or Imminent Litigation as Provided for in 5 ILCS 120/2(c)(11).**

Both exceptions were used during the session.

[REDACTED]

[REDACTED]

[REDACTED]

**RELEASED:** August 8, 2022 – Pending/Imminent Litigation included a handout that listed pending litigation cases and summaries of each. Manager Nicklas said the attorney for the Hunter properties expressed interest in a “global” solution, and the Campus Cinema settlement impasse was briefly discussed as well.

**Adjournment**



**Minutes of Executive Session of Council**

**January 13, 2020**

**Page 2 of 2**

**MOTION**

Alderman Finucane moved to adjourn the executive session at 9:14 p.m. Alderman Faivre seconded.

**VOTE**

Motion was approved on majority voice vote. Mayor Smith declared the executive session adjourned at 9:14 p.m.

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LYNN A. FAZEKAS, City Clerk

Approved: June 22, 2020

Audio Destroyed: February 2, 2022

Partial Release: August 8, 2022

**MINUTES  
CITY OF DEKALB  
REGULAR CITY COUNCIL MEETING  
EXECUTIVE SESSION  
JANUARY 27, 2020**

The City Council of DeKalb, Illinois held a Regular City Council meeting on January 27, 2020, in the City Council Chambers of the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois.

The executive session started 7:50 p.m. Council members in attendance were: Alderman Carolyn Morris, Alderman Bill Finucane, Alderman Tracy Smith, Alderman Greg Perkins, Alderman Scott McAdams, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Also present were: City Manager Bill Nicklas, Assistant City Manager Ray Munch, City Attorney John Donahue, and Executive Assistant Ruth Scott.

**PENDING OR IMMINENT LITIGATION 5 ILCS 120/2(C)(11).**

City Manager Nicklas and City Attorney Donahue provided an update on the Ochipinti (Campus Cinemas) and Hunter Apartment cases.

**PERSONNEL 5 ILCS 120/2(C)(1).**

City Manager Nicklas left the room at 7:57 p.m.

Assistant City Manager Ray provided information regarding the City Manager's annual evaluation and brief discussion ensued. Mayor Smith noted he will share the results with the City Manager.

**ADJOURNMENT**

**MOTION**

Alderman Faivre moved to adjourn the Executive Session at 8:05 p.m.; seconded by Alderman Finucane.

**VOTE**

Motion carried by an 8-0 majority voice vote. Mayor Smith declared the executive session adjourned at 8:05 p.m.

Respectfully submitted,

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**RUTH A. SCOTT**, Executive Assistant

Approved: June 22, 2020  
Audio Destroyed: February 2, 2022  
Released: August 8, 2022

**MINUTES  
CITY OF DEKALB  
REGULAR MEETING OF CITY COUNCIL  
EXECUTIVE SESSION  
FEBRUARY 10, 2020**

The City Council of DeKalb, Illinois, held an Executive Session on February 10, 2020, in the Executive Conference Room of the DeKalb Municipal Building, 200 South Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the Council during its Regular Meeting the same day.

The executive session started at 7:45 p.m. Council members in attendance were: Alderman Carolyn Morris, Alderman Bill Finucane, Alderman Tracy Smith, Alderman Greg Perkins, Alderman Scott McAdams, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith.

Also present were: City Manager Bill Nicklas, Assistant City Manager Ray Munch, Interim Police Chief John Petragallo, City Attorney John Donahue, and City Clerk Lynn Fazekas.

Council had authorized the executive session under the following exceptions to the Open Meetings Act:

**Personnel as Provided for in 5 ILCS 120/2(c)(1).**

**Collective Bargaining as Provided for In 5 ILCS 120/2(c)(2).**

Both exceptions were used during the session.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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**Released: August 8, 2022:** Mayor Smith opened the **Personnel** discussion, a performance evaluation of City Manager Nicklas, by noting all evaluations were filled out by aldermen and returned to him promptly. The recommendation is a 2.5% pay increase. The city manager said he doesn't think the general goals have changed but some specific ones probably have. He said council restored his pay in the current budget and he does not want any increase. Aldermen were complimentary of the manager's performance.

#### **Adjournment**

#### **MOTION**

Alderman Finucane moved to adjourn the executive session at 7:32 p.m. Alderman Verbic seconded.

#### **VOTE**

Motion was approved on majority voice vote. Mayor Smith declared the executive session adjourned at 7:32 p.m.

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LYNN A. FAZEKAS, City Clerk

Approved: March 22, 2021  
Audio Destroyed: Pending  
Partial Release: August 8, 2022

**MINUTES  
CITY OF DEKALB  
REGULAR CITY COUNCIL MEETING  
JUNE 8, 2020**

The City Council of DeKalb, Illinois held a Regular City Council meeting on June 8, 2020 in the City Council Chambers of the DeKalb Municipal Building, 200 S. Fourth Street, DeKalb, Illinois. The session was called by a majority vote of the Council during its Regular meeting of the same day.

The Executive Session started at 7:44 p.m. Council members in attendance were: Alderman Carolyn Morris, Alderman Bill Finucane, Alderman Tracy Smith, Alderman Greg Perkins, Alderman Scott McAdams, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Jerry Smith. No Council members were absent.

Also present were: City Manager Bill Nicklas, City Attorney John Donahue, and Executive Assistant Ruth Scott.

**PENDING OR IMMINENT LITIGATION 5 ILCS 120/2(c)(11)**

[REDACTED]

**EXECUTIVE SESSION MINUTES 5 ILCS 120/2(c)(21):** City Manager Nicklas provided an overview of this item. Following a brief discussion, it was the consensus of the Council to approve the Executive Session minutes that had yet to be approved, and to hold off releasing any Executive Session minutes at this time. *(Released: August 8, 2022)*

**ADJOURNMENT**

**MOTION:** Alderman Morris moved to adjourn the Executive Session; seconded by Alderman Perkins.

**VOTE:** Motion carried by an 8-0 majority voice vote. Mayor Smith declared the Executive Session adjourned at 8:06 p.m.

Respectfully submitted,

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**RUTH A. SCOTT**, Executive Assistant

Approved: March 22, 2021

Audio Destroyed: Pending

Partial Release: August 8, 2022



## Executive-Closed Session Minutes Index

2021		Recommendation for Release	
		Yes	No
<b>January 11, 2021 (Regular)</b> Approved: March 22, 2021 Scheduled Audio Destruction: September 22, 2022	Pending or Imminent Litigation		X
<b>February 22, 2021 (Regular)</b> Approved: December 13, 2021 Scheduled Audio Destruction: June 13, 2023	Purchase or Lease of Real Property		X
	Pending or Imminent Litigation		X
<b>March 8, 2021 (Regular)</b> Approved: December 13, 2021 Scheduled Audio Destruction: September 22, 2022	Executive Session Minutes	Released: December 13, 2021	
<b>April 12, 2021 (Regular)</b> Approved: December 13, 2021 Scheduled Audio Destruction: September 22, 2022	Pending or Imminent Litigation	Released: August 8, 2022	
<b>May 10, 2021 (Regular)</b> Approved: December 13, 2021 Scheduled Audio Destruction: September 22, 2022	Purchase or Lease of Real Property		X
	Real Estate		X
<b>June 28, 2021 (Regular)</b> Approved: December 13, 2021 Scheduled Audio Destruction: September 22, 2022	Personnel		X
<b>July 26, 2021 (Regular)</b> Approved: December 13, 2021 Scheduled Audio Destruction: September 22, 2022	Purchase or Lease of Real Property		X
<b>August 9, 2021 (Regular)</b> Approved: December 13, 2021 Scheduled Audio Destruction: September 22, 2022	Purchase or Lease of Real Property	Released: December 13, 2021	
<b>October 11, 2021 (Regular)</b> Approved: December 13, 2021 Scheduled Audio Destruction: September 22, 2022	Purchase or Lease of Real Property		X
<b>October 25, 2021</b> Approved: December 13, 2021 Scheduled Audio Destruction: September 22, 2022	Purchase or Lease of Real Property	Released: August 8, 2022	
	Appointment, Discipline, Performance		
<b>November 8, 2021</b> Approved: August 8, 2022 Scheduled Audio Destruction: February 8, 2024	Workers Compensation		X
<b>November 22, 2021</b> Approved: August 8, 2022 Scheduled Audio Destruction: February 8, 2024	Purchase or Lease of Real Property		X
	Executive Session Minutes	Released: August 8, 2022	





**City Council**

**Closed Session Minutes**

**April 12, 2021**

- I. Call to Order**
  - a. Mayor Jerry Smith called the Closed Session meeting to order at 8:09 PM
- II. Roll Call**
  - a. Assistant City Manager, Joshua Boldt, recorded roll call. All Alderman present.
  - b. The following staff members were present: City Manager Bill Nicklas, Assistant City Manager Joshua Boldt, & City Attorney John Donahue.
- III. Pending or Imminent Litigation as Provided for in 5 ILCS 120/2c(11)**
  - a. *Elonte McDowell vs. City of DeKalb*
    - i. John Donahue provide legal update for Elonte McDowell case. John Donahue provided City Council their available options. Conversation ensued.
  - b. *City of DeKalb vs. Hunter Properties*
    - i. John Donahue provided a legal update to Hunter Properties settlement. John Donahue provided guidance on positives of the security measures required of Hunter Properties in the settlement agreement. Conversation ensued.
    - ii. Alderman Verbic supported a potential acquisition of the 1100 W Lincoln Hwy property.
    - iii. Bill Nicklas offered purchasing details on Hunter Properties of the Hunter Hillcrest Strip property.
    - iv. Council gave consensus on having both *Elonte McDowell vs. City of DeKalb* and *City of DeKalb vs. Hunter Properties* be presented in a public meeting.
- IV. Executive Session Adjournment**
  - a. Mayor Jerry Smith called for Executive Session Adjournment at 8:24 PM. Motioned by Alderman Morris, Second by Alderman Faivre.
  - b. 8-0 Yes.
- V. Meeting Adjournment**
  - a. Mayor Jerry Smith called for Meeting Adjournment at 8:25 PM. Motioned by Alderman Morris, Second by Alderman Faivre.
  - b. 8-0 Yes.

Minutes Approved: December 13, 2021

Released: August 8, 2022

**MINUTES  
CITY OF DEKALB  
REGULAR MEETING OF CITY COUNCIL  
EXECUTIVE/CLOSED SESSION  
OCTOBER 25, 2021**

The City Council of DeKalb, Illinois, held an Executive Session on October 25, 2021, in the Yusunas Meeting Room of the DeKalb Public Library, 309 Oak Street, DeKalb, Illinois. The session was called by a majority vote of the Council during its Regular meeting of the same day.

The Executive Session started at 6:50 p.m. Council members in attendance were: Alderman Carolyn Morris, Alderman Barb Larson, Alderman Tracy Smith, Alderman Greg Perkins, Alderman Scott McAdams, Alderman Mike Verbic, Alderman Tony Faivre, and Mayor Cohen Barnes.

Also in attendance were: City Manager Bill Nicklas, Assistant City Manager Josh Boldt, City Attorney John Donahue, and Executive Assistant Ruth Scott.

**PURCHASE OR LEASE OF REAL PROPERTY 5 ILCS 120/2(C)(5)**

City Manager Nicklas spoke regarding Hunter Hillcrest and the relocation of commercial and residential tenants. He noted some commercial tenants may need more than \$10,000 to relocate their businesses due in part to the movement of large pieces of equipment. Therefore, he'd like Council's consensus to raise the maximum relocation cost to \$15,000.

Brief discussion ensued regarding the status of relocation. City Manager Nicklas stated that La Salsa has decided that the location formerly known as Flappy's and Los Poncho's isn't the right location for them. He also indicated that the clothing store isn't responding to requests to discuss relocation.

There was consensus among Council to move forward with a maximum of \$15,000 per commercial tenant for relocation.

Alderman asked about the status of Northern Fresh Market. City Manager Nicklas responded that the owner's schedule hasn't permitted a thorough discussion yet, although he (the owner) is starting to get serious about where he can relocate.

Alderman Faivre asked if rent (now payable to the City of DeKalb) could be waived during the six-month transition, and City Manager Nicklas indicated it could. He also noted that Public Works has started cleaning up the property. He further noted that seven of the apartment units have been boarded, and six had already been condemned.

Brief discussion ensued regarding the demolition of the building, which will take place in about six months after the vetting of demolition proposals.

Brief discussion ensued.

**APPOINTMENT, DISCIPLINE, PERFORMANCE OR REMOVAL OF A PUBLIC OFFICER AS PROVIDED FOR IN 5 ILCS 120/2(C)(3)**

City Manager Nicklas indicated this item was being brought forward to Council in order to discuss the performance of the City Clerk, specifically the quality of City Council meeting minutes.

City Manager Nicklas stated that Council has the authority to assign someone as its Recording Secretary. Further, it wouldn't take away from the Clerk's statutory duties – he could still attend meetings in order to do minutes and call the roll. However, Council would decide which set of minutes they would accept.

City Manager Nicklas continued, stating it's been determined that the Clerk hasn't used his office in quite some time. Therefore, he'd like to request the utilization of the space for staff and visitors, such as the auditors.

Mayor Barnes stated that the office at City Hall formerly known as the Mayor's office has been turned into a conference room, so he doesn't have an office at City Hall either. If he (the Mayor) needs someplace to work at City Hall, he uses the conference room.

Mayor Barnes further stated that he has purposefully used the front door when he visits City Hall and in the five months he's been doing that, and he has never seen the Clerk in the office.

City Attorney Donahue noted the City's recent victory in the appellate court regarding the suit filed by the former City Clerk, allowing us to essentially have another person duplicate the duties of the Clerk.

Alderman Verbic, confirming that Council meetings are video recorded, wondered why the Clerk is having issues presenting the minutes in a timely manner. He also asked if perhaps a discussion should take place with the Clerk regarding his performance.

Mayor Barnes replied he has spoken with the Clerk in the past about his performance. Mayor Barnes also stated that just before this Executive Session, when he told the Clerk he would not be attending because the discussion would be about him, he (the Clerk) reminded the Mayor that he had asked for training. Mayor Barnes stated he told the Clerk that training wasn't going to teach him proper grammar, punctuation, and spelling.

There was brief discussion among Council regarding the statement the Clerk made at a Council meeting where he apologized for not being at meetings and reaffirmed that he'd perform his role as required moving forward.

Alderman Perkins stated if the Clerk is unable to fulfill his responsibilities, then it's reasonable to pull some of his tasks to get them completed in a timely fashion. He added it's important to consider where the position is today and where Council wants it to be in the future.

Alderman Morris asked if the question has been raised with the Clerk regarding the possibility of disability accommodation he may need, considering the potential deliberateness of this. She added it's good to know that duplication of duties has already been addressed in court, noting it's a wise and prudent course to take.

Continuing, Alderman Morris wondered if there would be feedback from the community regarding misappropriation of funds if there's a duplication of duties.

Alderman Larson stated the Clerk's minutes are very detailed if it's a topic he's passionate about, otherwise, there's no involvement.

Discussion ensued regarding the state of the minutes being presented by the Clerk.

Alderman Morris asked about the City's responsibility if the Clerk suggests there's a disability issue and needs reasonable accommodations. City Attorney Donahue stated the Clerk would have the obligation to advise the City if accommodation is required.

Mayor Barnes stated that Executive Assistant Scott offered her assistance to the Clerk when he was seated but it was refused.

Discussion ensued regarding video recordings of Council meetings. City Attorney Donahue stated that open session video recordings of Council meetings do not have to be retained.

Alderman Verbic asked about Mayor Barnes reappointing Executive Assistant Scott as Deputy Clerk. City Manager Nicklas replied that Ms. Scott has parallel duties with the Clerk, except for recording City Council meeting minutes.

There was brief discussion regarding past issues with the City Clerk's Office.

Mayor Barnes confirmed that the idea is to have Executive Assistant Scott take the minutes at City Council meetings that the Clerk may or may not submit minutes for and reminded Council that the Clerk still hasn't submitted minutes from the August 23, 2021, Council meeting. Continuing, Mayor Barnes added that both sets of minutes would be presented to Council for review and Council could decide which set of minutes to approve.

Alderman Faivre said it's important to have good minutes so they can be referred to in the future since video recordings may not always be available.

Discussion ensued.

Alderman Perkins wondered if choosing between two sets of minutes wouldn't raise more issues. City Attorney Donahue replied that minutes aren't Council's until they're approved.

Alderman Perkins continued, wondering what the community's feedback might be if Council chooses to review two sets of minutes. Mayor Barnes replied that Council doesn't have any minutes they can accept now, so he thinks the community will understand the dilemma.

City Attorney Donahue indicated that meeting minutes are the Council's and they are responsible for them. He further stated that Council is under the rules of the Open Meetings Act where minutes are supposed to be reviewed within 30 days or by the second meeting.

Brief discussion ensued regarding the compliance issue of the Clerk not submitting minutes as required under the Open Meetings Act.

Alderman Perkins wondered if by duplicating the minutes, was Council really addressing the core issue.

Alderman Morris said it's not, but the reason Council is taking this course of action is because of the drama surrounding the last time there were issues with the Clerk and the bad publicity it received. By doing this, Council draws attention to the failures of the Clerk, acknowledges the failures of the Clerk, and comes up with a solution to the failures of the Clerk without harming the elected office.

Alderman Perkins said he feels like Council is doing too little to remedy the situation because it's gone on for weeks. To what degree will any of this draw attention so that the public is really aware of what's going on.

Mayor Barnes suggested that Alderman Perkins listen to his radio show (on WLBK) because he's been quite vocal about the situation with the Clerk. Mayor Barnes further stated that he has received constant phone calls and emails complaining about the Clerk, asking what can be done about it.

There was brief discussion regarding the condition of the minutes being presented by the Clerk now compared to what's been presented in the past.

Alderman Verbic asked if the Clerk's pay can be docked, which received a response that it cannot be done.

Alderman Faivre stated he has been reading up on the state statute and thinks the Clerk can be removed from office for dereliction of duty, but if it was challenged, he doesn't think the State's Attorney would allow it.

City Attorney Donahue stated the real issue is abandonment of office, for instance his absence at meetings held over the summer, and if the job the Clerk is doing is so bad its essentially like he's not showing up.

Brief discussion ensued.

City Manager Nicklas stated this issue has been raised with the State's Attorney, who indicated if the Clerk seems to have abandoned his role, he will pursue the matter. The Clerk isn't presenting quality minutes that reflects the work of the Council. Further, the minutes from August 23, 2021, are still haven't been submitted for review by Council.

City Manager Nicklas continued, stating Council could appoint the Executive Assistant as the Recording Secretary at its next meeting, and questioned if that could be done at the top of the meeting.

City Attorney Donahue stated that Chapter 3 (City Administration) of the City's Municipal Code should be amended by adding Recording Secretary as one of the Executive Assistant's duties.

Discussion ensued.

Alderman Smith asked what happens if the Executive Assistant is unavailable to attend a Council meeting. He also asked if there would be a conflict for having someone else attend Executive Session meetings or can Council have anyone they want. Mayor Barnes indicated that issue would be addressed.

Alderman McAdams stated that being an anarchist is not a disability and wondered if Council could censure for behaviors in order to avoid a public relations fiasco. City Attorney Donahue stated that being an elected Clerk doesn't mean he loses his first amendment rights.

Mayor Barnes stated that the actions Council is taking because of the Clerk's performance will build a case for the next steps to take.

Alderman Morris stated the value of having duplicate sets of minutes moving forward will demonstrate why this action is necessary.

Alderman Perkins clarified the process of minutes submission. Council will be presented with two sets of minutes on the agenda, and if the Clerk doesn't submit his version, Council can approve what was submitted by the Recording Secretary. Further, the absence of the Clerk's minutes will show a developing pattern.

City Manager Nicklas suggested how Council may go about appointing the Recording Secretary and approving submitted minutes.

City Manager Nicklas also suggested that rather than amending Chapter 3, Council could just appoint the Executive Assistant as Recording Secretary. City Attorney Donahue stated he would support that action.

Alderman Verbic questioned whether the Clerk would ever be needed in Executive Session once the Recording Secretary was in place. He then stated he would prefer that the Clerk not be allowed to attend Executive Session meetings due to confidentiality issues.

Executive Assistant Scott was asked if she agreeable to taking on this role, to which she indicated she was.

There was further confirmation on how two sets of minutes will be presented to Council. City Attorney Donahue stated that the minutes could be pulled from the Consent Agenda and approved under their own section as a separate action but there would have to be a clear distinction between whose minutes are whose.

Brief discussion ensued.

Alderman Smith asked about the status of Executive Session minutes. Executive Assistant Scott said they were complete and ready for Council's review.

#### **ADJOURNMENT**

Alderman Smith moved to adjourn the Executive Session; seconded by Alderman Faivre. Motion carried by an 8-0 voice vote. Aye: Morris, Larson, Smith, Perkins, McAdams, Verbic, Faivre, Mayor Barnes. Nay: None. Mayor Barnes declared the motion passed and adjourned the meeting at 7:30 p.m.

Respectfully submitted,

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Ruth A. Scott, Executive Assistant

Minutes Approved: December 13, 2021  
Released: August 8, 2022



**MINUTES  
CITY OF DEKALB  
REGULAR MEETING OF CITY COUNCIL  
EXECUTIVE/CLOSED SESSION  
NOVEMBER 22, 2021**

The City Council of DeKalb, Illinois, held an Executive Session on November 22, 2021, in the Yusunas Meeting Room of the DeKalb Public Library, 309 Oak Street, DeKalb, Illinois. The session was called by a majority vote of the Council during its Regular meeting of the same day.

The Executive Session started at 7:43 p.m. Council members in attendance were: Alderman Carolyn Morris, Alderman Barb Larson, Alderman Greg Perkins, Alderman Scott McAdams, Alderman Tony Faivre, and Mayor Cohen Barnes. Alderman Tracy Smith and Alderman Mike Verbic were absent.

Also in attendance were: City Manager Bill Nicklas, Assistant City Manager Josh Boldt, City Attorney John Donahue, Executive Assistant Ruth Scott, and Clerk Sasha Cohen.

**PURCHASE OR LEASE OF REAL PROPERTY 5 ILCS 120/2(C)(5)**

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**EXECUTIVE SESSION MINUTES 5 ILCS 120/2(C)(21) (Released: August 8, 2022)**

City Manager Nicklas provided an overview of this item stating the Executive Session minutes in question date back to 2007 to present. Council is asked to review and provide their thoughts on approval and/or release. It was indicated that City Attorney Matt Rose has recommended the approval of all unapproved minutes, and the release of a few more.

City Manager Nicklas then explained there are other Executive Session minutes, which have been approved but not released going back 10 years or more. Due to the age of the minutes, it is recommended that they be released.

There was consensus among Council to move forward with the recommendation.

Brief discussion ensued about the content of the minutes, specifically ones pertaining to collective bargaining. City Attorney Donahue stated there's always hesitation to release those types of minutes because of negotiation practices. But when you get 10 years out, it's unlikely that anyone negotiating at that time would still be at the bargaining table at present.

There was general consensus among Council to release Executive Session minutes that are 10 years old or older.

**ADJOURNMENT**

Alderman Faivre moved to adjourn the Executive Session; seconded by Alderman Morris. Motion Carried by a 6-0-2 voice vote. Aye: Morris, Larson, Perkins, McAdams, Faivre, Barnes. Nay: None. Absent: Smith, Verbic. Mayor Barnes declared the motion passed and adjourned the meeting at 8:02 p.m.

Respectfully submitted,

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Ruth A. Scott, Executive Assistant

Minutes Approved: August 8, 2022  
Partial Release: August 8, 2022

## Executive-Closed Session Minutes Index

2022		Recommendation for Release	
		Yes	No
<b>January 24, 2022 (Regular)</b> Approved: August 8, 2022 Scheduled Audio Destruction: February 8, 2024	Appointment, Discipline, Performance or Removal of a Public Officer		X
	Personnel		X
	Workers Compensation		X
<b>March 14, 2022 (Regular)</b> Approved: August 8, 2022 Scheduled Audio Destruction: February 8, 2024	Personnel		X
<b>March 28, 2022 (Regular)</b> Approved: August 8, 2022 Scheduled Audio Destruction: February 8, 2024	Personnel		X
<b>May 23, 2022 (Regular)</b> Approved: August 8, 2022 Scheduled Audio Destruction: February 8, 2024	Sale or Lease of Real Property		X
	Pending Litigation		X
<b>July 11, 2022 (Regular)</b> Approved: August 8, 2022 Scheduled Audio Destruction: February 8, 2024	Sale or Lease of Real Property		X