



DEKALB CITY COUNCIL AGENDA JANUARY 28, 2019

DeKalb Municipal Building
City Council Chambers
Second Floor
200 S. Fourth Street
DeKalb, Illinois 60115

REGULAR CITY COUNCIL MEETING 6:00 P.M.

- A. CALL TO ORDER AND ROLL CALL**
- B. PLEDGE OF ALLEGIANCE**
- C. APPROVAL OF THE AGENDA**
- D. PUBLIC PARTICIPATION**
- E. PRESENTATIONS**

1. Proudly DeKalb: Sergeant Keunte Mallett Pinning Ceremony.

City Manager's Summary: Officer Keunte Mallett was promoted to the rank of Sergeant effective January 3. He had served since November in an acting supervisory capacity following the retirement of former Sergeant Tom Petit. Sgt. Mallett began his career with the DeKalb Police Department in 2007, coming from the NIU Police Department. He has served in the Patrol Division and in specialty assignments such as Defensive Tactics Instructor, Field Training Officer, Domestic Violence Unit Officer, and with the Special Operations Team. The ceremonial pinning and swearing-in is a Council tradition. Sgt. Mallett is the first African-American officer promoted to the rank of Sergeant in the history of the DeKalb Police Department.

F. APPOINTMENTS

- 1. Appointment of Evelina Cichy to the Board of Police and Fire Commissioners for the Completion of a Term through December 31, 2019.**

Assistive services available upon request.

Hearing assistance devices are available in the Information & Technology Office, which is located to the right, just before entering Council Chambers.

Mayor's Summary: Evelina Cichy has lived in DeKalb since 1973. She graduated from Northern Illinois University with a Master's Degree in Political Science. Since retiring in 2013 as Vice President of Instruction at Kishwaukee College, Evelina has been active as a volunteer with the Kishwaukee Filipino-American Association, Northern Illinois University's Pick Museum, and Oak Crest. She has served on the Board of Directors for the following organizations: the Kishwaukee College Foundation, 4 Cs, the DeKalb County Community Foundation, Hope Haven, the National Bank & Trust Company of Sycamore, and Safe Passage. **City Council approval is recommended. ([Click here for further information.](#))**

G. CONSENT AGENDA

1. [Minutes of the Special City Council Meeting of December 18, 2019.](#)
2. [Minutes of the Committee of the Whole Meeting of January 14, 2019.](#)
3. [Minutes of the Regular City Council Meeting of January 14, 2019.](#)
4. [Minutes of the Annie Glidden North Revitalization Plan Task Force Meeting of May 7, 2018.](#)
5. [Accounts Payable and Payroll through January 28, 2019, in the Amount of \\$2,800,987.67.](#)
6. [Investment and Bank Balance Summary through November 2019.](#)
7. [Year-to-Date Revenues and Expenditures through November 2019.](#)
8. [FY2018 Human Services Funding Fourth Quarter Report.](#)
9. **Omnibus Approval of FY2019 Human Services Funding Resolutions 2019-012 Adventure Works of DeKalb County, Inc.; 2019-013 Court Appointed Special Advocates (CASA); 2019-014 Community Coordinated Child Care (4C); 2019-015 DeKalb County Community Gardens; 2019-016 DeKalb County Youth Services Bureau; 2019-017 Elder Care Services; 2019-018 Family Service Agency of DeKalb County; 2019-019 Hope Haven; 2019-020 Kishwaukee YMCA, Camp Power; 2019-021 Nguzo Saba; 2019-022 RAMP (Regional Access and Mobilization Project, Inc.); 2019-023 Safe Passage; and 2019-024 Voluntary Action Center (VAC), Authorizing Human Services Agreements for Human Services Funding Beginning January 1, 2019, though December 31, 2019, in the Amount of \$144,500.**

City Manager's Summary: Since 1998, the City has awarded Human Services Funding (HSF) grants as a means of supporting local non-profit agencies that provide essential social services for the most vulnerable individuals and families in

Assistive services available upon request.

Hearing assistance devices are available in the Information & Technology Office, which is located to the right, just before entering Council Chambers.

the community. Grantees have traditionally been considered in order of the following priorities:

1. Providers of services that help meet basic emergency needs, such as food, clothing, and shelter;
2. Providers of services that are preventative in nature and promote the highest degree of self- support, self-care, and self-help; and
3. Providers of services that seek to enhance the quality of life of persons whose basic needs are already met, with priority given to services that primarily benefit low- and moderate-income residents.

Targeted populations include, but are not limited to: individuals and families who are at risk of homelessness, individuals who suffer with substance abuse or mental health conditions, victims of domestic and/or sexual violence, abused and neglected children, older adults, individuals with disabilities, at-risk children and youth, and households with low-to-moderate incomes.

In its first year (FY1998), HSF grants totaled \$184,000. The highest amount of HSF grants was awarded in FY2008 and FY2009, when 13 recipients received a total of \$211,900 in each of those years. Since that time, the total amount distributed has remained at or near \$150,000. For FY2019, Council budgeted total HSF funds of \$144,500, the same level as was awarded in FY2018.

A new review and ranking system was established in FY2018 and was used to evaluate the increased requests for funding for FY2019. A scoring rubric, using a numeric scale and a variety of standards was utilized. Several factors were considered including, but not limited to, the following:

- What targeted populations will be served?
- How many DeKalb residents will be served?
- Does the agency have demonstrated experience providing services?
- Are the proposed services a duplication of another agency's services?
- Does the agency leverage financial support from sources other than the City?
- If the applicant is a past grant recipient, does the agency have a history of timely and accurate submission of quarterly reports?

Applications were individually reviewed and scored. Grant amounts were considered with respect to the number of people to be served and the type of services being offered to ensure the most prudent investment of City funds.

Assistive services available upon request.

Hearing assistance devices are available in the Information & Technology Office, which is located to the right, just before entering Council Chambers.

The following table depicts the recommended grants and their amounts:

Agency	Program Description	FY2018	FY2019	
		Funding Provided	Funding Requested	Recommended Funding
Adventure Works of DeKalb County, Inc.	Adventure- based therapy for at-risk children.	\$10,000	\$10,000	\$9,200
Court Appointed Special Advocates (CASA)	Advocates for abused/neglected children in the justice system.	\$3,000	\$5,000	\$5,000
Community Coordinated Child Care (4C)	Advocates for quality, affordable, accessible childcare.	\$18,000	\$20,000	\$19,000
DeKalb County Community Gardens	Fresh and healthy food access for food insecure and low-income populations.	New Request	\$5,000	\$5,000
DeKalb County Youth Services Bureau	Youth and family counseling along with substance abuse early intervention.	\$30,000	\$30,000	\$25,000
Elder Care Services	Assists low-income senior citizens and people with disabilities to maintain independence.	\$11,000	\$15,000	\$9,300
Family Service Agency of DeKalb County	Club 55 - Programs and activities for senior citizens.	\$10,500	\$15,000	\$12,000
Hope Haven	Emergency food and shelter for homeless individuals and families with children.	\$5,000	\$5,000	\$5,000
Kishwaukee YMCA Camp Power	Summer camp for at-risk children at University Village.	\$9,000	\$12,000	\$12,000
Nguzo Saba Men's Club	Summer basketball and mentoring program.	\$4,000	\$6,000	\$4,000
RAMP	Employment services for people with disabilities.	\$4,000	\$5,000	\$5,000
Safe Passage	Services for victims of domestic and sexual violence.	\$10,000	\$15,000	\$9,000
Voluntary Action Center	Transportation and nutrition services for the elderly, people with disabilities and transit-dependent populations.	\$30,000	\$45,000	\$25,000
			TOTAL	\$144,500

Assistive services available upon request.

Hearing assistance devices are available in the Information & Technology Office, which is located to the right, just before entering Council Chambers.

Community Services Coordinator Joanne Rouse has prepared further background which has been linked to this item. Resolutions appropriating the grants shown in the table above are also posted. **City Council approval of these Resolutions (2019-012 to 2019-024) in omnibus fashion is recommended.** ([Click here for further information.](#))

H. PUBLIC HEARINGS

None.

I. CONSIDERATIONS

1. Consideration of Personnel Changes to Address Fiscal Imbalances in the General Fund.

City Manager's Summary: The City Council and the general public are well aware that the City government operating revenues are structurally out of balance. That is, general operating expenditures have annually been outpacing general revenue growth. There are a number of reasons for this fundamental dilemma. The housing collapse and deep recession that impacted the country in the period 2008-2010 continued its grip on the local economy through 2014 in many sectors. The City's cumulative EAV has been rising since 2015 but median home values and household incomes remain at the lower end of the scale of comparable communities developed by our Finance Advisory Committee (FAC). In addition, the State's disruption and reduction of public funding for education rocked two large local employers - Northern Illinois University and Kishwaukee College - and adversely affected payrolls and enrollments, which translates to jobs.

In this constrained fiscal environment, there are promising portents. New construction starts are increasing. Local businesses - with TIF assistance - have invested in our downtown revitalization. Northern Illinois University - our largest employer - has a dynamic and purposeful new president and a board that is publicly committed to putting a floor under the University's enrollment and spurring new investment in research and development.

The strategic, long-term financial planning recently completed by the Council and FAC has set directions for fiscal change to complement these new beginnings. Among the objectives is the maintenance of a projected General Fund reserve balance of 25% of budgeted General Fund expenditures. Another key objective is to level the impact of local taxes on DeKalb businesses and residents.

The City's FY2019 General Fund budget was approved with a projected reserve that is about \$1.1 million below the reserve threshold of 25%. The approved FY2019 Budget also does not balance realistic revenue growth against rising pension and health care obligations.

Assistive services available upon request.

Hearing assistance devices are available in the Information & Technology Office, which is located to the right, just before entering Council Chambers.

The Mayor and Council purposely charged the new City Manager to address these fiscal challenges in the first quarter of 2019. Time is of the essence; with each week the challenge grows larger unless substantial change is made in the way the City has “sized” local government to meet the essential service demands of the community.

Accordingly, the City Manager is proposing some bold personnel changes to take effect as of March 1. These changes have been carefully considered and discussed in one-on-one sessions with the Mayor and Council, and in individual sessions with the personnel most affected by the changes. As a result of these changes, the City government will be able to sustain its essential services, but some management personnel will be required to stretch their time and talent.

Top Management Layoffs

The following management layoffs are not disciplinary separations but are purely based on budgetary concerns. Each manager is a dedicated employee and has shown the utmost professionalism through difficult discussions leading up to these recommendations. Upon Council approval, each layoff will be effective March 1. Each affected employee will be expected to perform his or her assigned duties until that time. Upon separation, each affected employee will be compensated for all accrued paid time-off and will otherwise be eligible for the City’s COBRA provisions regarding health care, and other benefits in accordance with City policies and applicable laws. No one will be placed on leave or paid a severance.

The layoffs are:

- Tim Holdeman, Public Works Director
- Jo Ellen Charlton, Community Development Director
- Marc Thorson, Information Technology Director
- Robert Miller, Assistant Finance Director

In addition, the following vacancies will not be filled:

- Economic Development Planner (Jason Michnick has resigned to pursue another position, effective February 1).
- Finance Director (Molly Talkington has separated according to the agreement approved by the Council on January 14).
- Deputy Fire Chief (Deputy Chief Jim Zarek has resigned, effective February 15).

Budget Impacts

The estimated total Budget savings achieved by these decisions will be **\$1,105,258** in annualized personnel costs moving forward. However, previous city administrations bailed out the General Fund from enterprise and other funds to hide General Fund imbalances. As a result, the annualized General Fund savings will be

Assistive services available upon request.

Hearing assistance devices are available in the Information & Technology Office, which is located to the right, just before entering Council Chambers.

closer to **\$892,332** in FY2019, because the Water Fund is paying \$190,917 of the salaries of the seven positions above, and the Airport Fund is paying \$22,009.

Further, in terms of closing the gap in the reserve balance, the recommended layoffs in the period March 1 through December 31, 2019 only raise **\$583,650** because (a) January and February personnel costs count against the General Fund; and (b) substantial accrued leave balances must be fully paid at the time of separation. The dedicated personnel on the layoff list have been reluctant to “burn” their leave allowances in order to serve the City more productively.

Management Adjustments to Meet Service Demands

A number of other top managers will have to step up to assume more responsibility. The Assistant City Manager will assume coordinating responsibilities for Information Technology and Finance. The experience and talent in each of those areas will sustain day-to-day operations under his overall supervision. The City Manager will continue to assume the duties of chief financial officer and budget director, per the Municipal Code.

In the areas of Community and Economic Development, the City Manager will assume the overall coordination of City services. This is not untypical in smaller cities. Principal Planner Dan Olson, Community Services Coordinator Joanne Rouse, City Engineer Zac Gill, and Chief Building Official Thaddeus Mack will continue to provide strong staff support in their areas.

Further Steps

Other cost-saving measures will be proposed by the City Manager at future Council meetings as a continuing vetting process unfolds within the organization.

J. RESOLUTIONS

- 1. Resolution 2019-001 Authorizing an FY2019 Tourism Agreement with the DeKalb County Convention and Visitors Bureau in the Amount of \$50,000 for Tourism Activities Beginning January 1, 2019 through December 31, 2019.**

City Manager’s Summary: At the January 14 Council meeting, the Council directed the City Manager to meet with the directors of the DeKalb County Convention and Visitors Bureau (CVB), the DeKalb Chamber of Commerce (Chamber), and the DeKalb County Economic Development Corporation (DCEDC). In the context of tough budget decisions necessary to “right size” the city government, the Council felt it was appropriate to reconsider the funding for these three not-for-profit agencies contemplated in the FY2019 City Budget. The City Manager was able to meet with all three executive directors, who were most gracious in sharing the considerations behind their original funding requests.

Assistive services available upon request.

Hearing assistance devices are available in the Information & Technology Office, which is located to the right, just before entering Council Chambers.

During the meeting with CVB executive director Debbie Armstrong on January 16, the City Manager inquired about the impact of a possible grant reduction of about \$10,000 to help address City budget imbalances. Ms. Armstrong explained that each municipal dollar is matched by a dollar from the Illinois Office of Tourism to support such events as the IHSA high school football championships and IESA state wrestling championships, which will be held at NIU in 2019. The CVB markets these and other events in DeKalb County through a variety of print media, including the annual DeKalb County CVB Guide.

The City of DeKalb is a key beneficiary of this marketing, but at the same time contributes disproportionately as compared to the 14 municipalities in the county. In the period 2010 through 2018, the City of DeKalb contributed \$425,000 to the CVB.

The City Manager recommends a grant of \$40,000 to the CVB in FY2019. ([Click here for further information.](#))

2. Resolution 2019-002 Authorizing a Funding Agreement with the DeKalb Chamber of Commerce in the Amount of \$45,000 for the Purpose of Facilitating Community Events Beginning January 1, 2019 through December 31, 2019.

City Manager's Summary: The City Manager met with executive director Matt Duffy on January 17. In 2000 the City of DeKalb allocated \$15,000 to the Chamber to promote local tourism. This allocation became an annual grant and was accompanied by grants to the former Mainstreet DeKalb and Renew DeKalb as shown in the following table:

Year	Chamber Tourism	Mainstreet DeKalb	Renew DeKalb	Chamber Events Mgt.
2000	15,000			
2001	20,000			
2002	20,000			
2003	20,000	25,000		
2004	50,000	25,000		
2005	50,000	25,000		
2006	50,000		50,000	
2007	50,000		50,000	
2008	50,000		50,000	
2009	50,000		45,000	
2010			45,000	
2011			45,000*	
2012			45,000*	
2013				45,000
2014				45,000
2015				45,000
2016.5				22,500
2017				45,000
2018				45,000
Total	375,000	75,000	330,000	247,500

*Indicates TIF funding.

Assistive services available upon request.

Hearing assistance devices are available in the Information & Technology Office, which is located to the right, just before entering Council Chambers.

In 2013, the annual grant was pegged to the estimated cost of a full-time employee engaged in events management, including the Farmer's Market, Santa's House, etc. The Chamber has begun its planning for 2019 events.

The City Manager recommends an FY2019 grant of \$35,000. ([Click here for further information.](#))

3. Resolution 2019-003 Authorizing a Funding Agreement with the DeKalb County Economic Development Corporation in the Amount of \$45,000 for Economic Development Services Beginning January 1, 2019 through December 31, 2019.

City Manager's Summary: The City of DeKalb was a founding member of the DeKalb County Economic Development Corporation in the late 1980s and has significantly benefited from the agency's business attraction and retention efforts ever since. DCEDC is the strategic planning arm of DeKalb County government and continues to be a vital clearinghouse for business prospects and commercial brokers interested in development sites in our community and our planning area. The DeKalb city manager is automatically a member of the agency's executive committee and the DeKalb mayor is an ex officio member of the board of directors.

The corporation's role as an intake point or an initial point of contact for industrial and commercial prospects is very valuable. The organization's ongoing surveys of county-wide business activity and its retention visits are also very important. Long-range planning in concert with all county communities is currently underway (the DeKalb County Thriving initiative) and the City will substantially benefit from the comprehensive data it generates.

The City of DeKalb's fiscal challenges bring a brighter light to its very substantial funding commitment that is only matched among public entities by the County of DeKalb.

The City Manager recommends an FY2019 grant of \$35,000. ([Click here for further information.](#))

4. Resolution 2019-025 Authorizing the Appointment of Jeff McMaster as Fire Chief Effective February 1, 2019.

City Manager's Summary: **Three permanent appointments are needed to stabilize City operations, particularly in view of the City Manager's recommended staffing reductions detailed under "Consideration #1," above.** The City Manager has reviewed Interim Chief McMaster's performance record and considered the breadth of his experience and depth of his professional standing in the fire profession. After careful consideration and in accordance with the DeKalb Municipal Code, Section 5.04 (a), **the City Manager requests the Council's concurrence in the appointment of Jeff McMaster as full-time, permanent Fire**

Chief with a base salary of \$141,244, effective February 1. Interim Chief McMaster is currently earning an interim base salary of \$139,500. The recommended base salary is approximately the mid-point in the salary range for Fire Chiefs among comparable northern Illinois cities. By way of comparison, former Chief Hicks was earning a base salary of \$145,003 at the time of his retirement. Chief Lowery's base salary is \$147,903. Fire Battalion Chiefs currently earn a base salary of \$109,695, plus overtime (roughly \$10,000 a year). ([Click here for further information.](#))

5. Resolution 2019-026 Authorizing the Appointment of Raymond Munch to Assistant City Manager Effective February 1, 2019.

City Manager's Summary: The City Council promoted Ray Munch from his Management Analyst role to Interim City Manager on November 13, 2018. In that role, Mr. Munch stepped up unselfishly and very effectively to lead the completion of the annual budget process, manage the annual tax levy process, supervise the staff support for the City Manager search process, guide the Council's discussion of a variety of TIF measures, and generally sustained operations at a time of intense public scrutiny and public criticism of the city organization. In difficult circumstances, he has demonstrated the leadership qualities expected of the Assistant City Manager, as defined in the Municipal Code.

The City Manager requests the Council's concurrence in the appointment of Ray Munch as Assistant City Manager with a base salary of \$120,000, effective February 1. Mr. Munch is currently earning an annual base salary of \$81,180. The salary range for the assistant city manager position among comparable northern Illinois cities is \$107,312 to \$155,603, with a mid-range of \$131,457. ([Click here for further information.](#))

6. Resolution 2019-027 Authorizing the Appointment of Andy Raih to Street Department Superintendent Effective February 1, 2019.

City Manager's Summary: Andy Raih has been serving as Interim Street Department Superintendent since January of 2018. In that capacity, he has assumed the supervision of both street maintenance and facility maintenance. Mr. Raih has shown inspired leadership and is highly regarded by his department staff, his colleagues in other departments, downtown merchants, and local property owners who appreciate his attention to detail and service.

The City Manager requests the Council's concurrence in the appointment of Andy Raih as full-time, permanent Street Department Superintendent with a base salary of \$96,000, effective February 1. Mr. Raih is currently earning an interim salary of \$76,021, based on a 10% increment over his previous position as the Support Services Superintendent. The last full-time Street Superintendent earned \$111,413 upon his retirement. The starting point of the pay range for the superintendent position is \$80,444; the mid-point of the pay range is \$98,543; and

the top salary is \$116,644. In addition to the duties formerly assumed by his predecessor, Mr. Raih's job description now includes facility maintenance and requires that Mr. Raih personally perform a variety of maintenance tasks including sidewalk snow removal, painting, etc. in addition to his full-time supervisory responsibilities. [\(Click here for further information.\)](#)

Taken altogether, the three recommended permanent appointments represent a personnel increase of \$60,543. Offsetting these increases is the recommended savings of \$30,000 from the original grant allocations to the Chamber, DCEDC, and CVB, plus an additional \$30,000 in savings drawn from a reduction in the City Manager's base salary. The residual difference is more than offset by the fact that the proposed permanent salaries are not retroactive to January 1.

Leaders lead. The City Manager must be fully on board for the spending reductions needed to reach fiscal stability.

7. Resolution 2019-028 Authorizing a Retail Tobacco Store License for The Smoke Shop NIU, Inc., Located at 818 W. Lincoln Highway, Suite 3.

City Manager's Summary: The Council considered a similar item on January 14, 2019 when it approved a license for Aroma's Smoke Shop located at 811 W. Lincoln Highway. This item concerns the proposed new ownership of the existing retail tobacco store located at 818 W. Lincoln Highway. The business is presently operated as Xtreme Smoke, and a new ownership proposes its operation under the name of The Smoke Shop NIU, Inc. Under current City Code, a change in ownership triggers a new license application, but existing retail tobacco stores are grandfathered to permit continuing operation even under that new ownership. The change in ownership does trigger City Council review. The application has been reviewed by the City Attorney and staff. **City Council approval is recommended, subject to the conditions outlined in the background memorandum from City Attorney Dean Frieders (see attached), and the payment of a license renewal fee of \$3,511.** [\(Click here for further information.\)](#)

8. Resolution 2019-029 Authorizing the City Manager to Sign Loan Application Forms and Supporting Documents on Behalf of the City to Apply for Funds from the Public Water Supply Loan Program through the Illinois Environmental Protection Agency in an Amount Not to Exceed \$1,700,000.

City Manager's Summary: The City has applied for a low-interest (1.82%) loan through the Illinois Environmental Protection Agency's (IEPA) Public Water Supply Loan Program (PWSLP). The loan proceeds would be used to replace the water main along Joanne Lane, Ilehamwood Drive, and Golfview Place at a cost estimated to be about \$1.7 million. In previous action, the Council has dedicated cash reserves from the Water Operating Fund (Fund 60) and the Water Capital Fund (Fund 62) to

Assistive services available upon request.

Hearing assistance devices are available in the Information & Technology Office, which is located to the right, just before entering Council Chambers.

pay for this loan. The IEPA requires Council to authorize a representative to sign the loan application forms and supporting documents as part of the loan application process. Molly Talkington was approved as the City's representative at the June 25, 2018 Regular Council meeting (Resolution 2018-077). A new representative is required. **It is recommended that the City Council appoint the City Manager to serve as the new signatory and city representative.** ([Click here for further information.](#))

9. Resolution 2019-030 Authorizing a Professional Services Agreement with B&F Construction Code Services, Inc. for the Provision of Plumbing Plan Review, Inspection, and Related Services.

City Manager's Summary: In recent months, B&F Construction Code Services of Elgin, Illinois has provided plumbing inspection services for the City of DeKalb, following legal notice by HR Greene that they wished to withdraw from their contract (see the attached memorandum from Jo Ellen Charlton and Thaddeus Mack). The City circulated a request for proposals (RFP) for plumbing inspection services on December 11, 2018 and received two proposals by the deadline for proposals on January 2, 2019.

The two bidders were SAFEbuilt of Park Ridge and B&F Construction Code Services. SAFEbuilt performed plan reviews and inspections for the City in the period of 2014-2016. In terms of pricing, SAFEbuilt's minimum four-hour show-up time pushed their hourly rate higher than that proposed by B&F. In addition, in terms of staff experience and public interaction, B&F is believed to be more reliable. The projected annual cost of B&F's services is about \$40,000 in FY2019, which is within the budgeted amount of \$41,600 for plumbing inspection services. **City Council approval of the B&F proposal is recommended.** ([Click here for further information.](#))

10. Resolution 2019-031 Authorizing the Transportation Improvement Program for Federal Fiscal Years 2020 – 2024 for the DeKalb Taylor Municipal Airport.

City Manager's Summary:

The Federal Aviation Administration requires municipal airports that receive federal funding to adopt and submit five-year strategic project plans. These plans – Transportation Improvement Programs (TIPs) – are the collaborative outcome of conversations on staff, with the Airport Advisory Board, with the FAA and IDOT and the Council. The attached resolution would adopt the Transportation Improvement Program for the period 2020-2024. Because of the years-long processes for receiving federal dollars, projects are often funded years after the intended timeframe for the improvement in the TIPs.

As the attached memorandum from Public Works Director Tim Holdeman and Airport Manager Tom Cleveland explains, our staff presented the proposed 2020-2024 Transportation Improvement Program (TIPs) to the FAA and IDOT-DOA at the annual TIPs meeting in Springfield on October 30, 2018 (Exhibits A and B). In addition, the attached list of projects including runway and taxiway repairs and new instrumentation were discussed in detail at the meeting.

The Federal Aviation Administration (FAA) and the Illinois Department of Transportation – Division of Aeronautics (IDOT-DOA) recommend proceeding with these projects. **City Council approval of the attached Resolution is recommended.** [\(Click here for further information.\)](#)

11. Resolution 2019-032 Authorizing the Waiver of Competitive Bidding and Approving the Purchase of Water Meters and Radio Transmitters from Badger Meter Inc. and Core & Main in an Amount Not to Exceed \$70,000.

City Manager's Summary: For a number of years, the City of DeKalb has installed water meters and radio transmitters from two companies, Badger Meter, Inc. and Core & Main LP (Core & Main). The replacement of aging meters is an ongoing process, and the installation of new meters with identical recording features is important so the Water Department's labor-saving, radio-reading instruments can be effective. Due to the proprietary nature of the meter radio transmitters, mobile drive-by reading equipment, and billing software applications, **the City Manager recommends that the City Council waive competitive bidding as it has in recent years.** The funding for this commitment is budgeted in FY2019. [\(Click here for further information.\)](#)

12. Resolution 2019-033 Ratifying an Intergovernmental Agreement with DeKalb County Pertaining to Sales Tax Sharing and a Memorandum of Understanding Relating to Emergency Telecommunications.

City Manager's Summary: This item provides for ratification of an intergovernmental agreement with DeKalb County pertaining to sales tax sharing and public safety communications. Some detailed background is in order; a more extensive report is presented in the attached memorandum from City Attorney Dean Frieders.

Some History to the City/County Partnership at Market Square

The City of DeKalb, as a home rule municipality, has the legal authority to establish home rule sales taxes and to periodically adjust the rates for the same. Rates can be adjusted in 0.25% increments and there is no maximum or minimum rate prescribed by statute. No referendum approval is required for home rule sales tax adjustments. The City of DeKalb's current tax rate for home rule municipal sales taxes is 1.75% pursuant to Section 57.03 of the City Code.

In 1993, the City of DeKalb carried a 0.75% home rule sales tax rate into an intergovernmental agreement with DeKalb County regarding the proposed

development of the former County Farm property (“the 1993 IGA”, a copy of which is attached hereto). The resulting Market Square commercial retail development comprises 138 acres of land located at Barber Greene Road and Route 23; the agreement has a 40-year term through 2033. Under the terms of the 1993 IGA, the City and County agreed that they would equally share the sum of revenues generated from the “State of Illinois Municipal Retailers’ Occupation Tax (one percent), the City of DeKalb Home Rule Sales Tax (three quarters of one percent) and the County of DeKalb Sales Tax (one quarter of one percent), derived from taxable sales on the Property. This cumulative 2% sales tax-sharing results in the City paying approximately \$2,200,000 to the County on an annual basis. The 1993 IGA also provided for the annexation of the County Farm property to the City.

In late 1997, the City entered into an intergovernmental agreement with the Illinois Toll Highway Authority providing for the improvement of the Peace Road (I-88) interchange. The City agreed to incur roughly \$2,300,000 in expenses, which were due and payable by June 30, 2004 to the Illinois Toll Highway Authority. The City and County subsequently entered into a 2004 intergovernmental agreement passed by City Resolution 2004-031 (“the 2004 IGA”, a copy of which is attached hereto). The 2004 IGA indicates that the City requested County funding for the Peace Road interchange improvements and further indicates that the County budgeted to provide such financial support, provided that the City increased its home rule sales tax. It goes on to indicate that the City passed Ordinance 2003-100, which effected a 0.5% increase in the City’s home rule sales tax, which took effect as of January 1, 2004. This 0.5% increase from Ordinance 03-100 is specifically identified and defined in the 2004 IGA as the “City Sales Tax Increase.”

The City has, since 2004, shared the proceeds of the City Sales Tax Increase with the County. In FY2017, this represented a roughly \$245,000 expenditure to the City, from sales tax revenues that otherwise could be utilized by the City to meet any City financial need.

The 2004 IGA goes on to indicate that the “City agrees to share half of the City Sales Tax Increase for revenues generated from the DeKalb Market Square property during the term of this agreement.” The City also pledged “one half of its share of the revenue received as a result of Ordinance 03-100, the .5% (one half of one percent) increase in the City Home Rule Sales Tax. As such, the City hereby pledges to the County .25% of the City Sales Tax Increase generated from the DeKalb Market Square Shopping Center during the term of this Agreement.” Based on those agreements, the City has continued to share one-half of a 1.25% sales tax (and the City retains the full remaining 0.5% sales tax).

Recent Negotiations

In recent years, the City and County have disagreed over the historical bases of each IGA. In 2018, negotiations were entered to resolve these differences. The negotiations have been led by Alderman Jacobson and Mayor Smith on the City

side, and County Board Chairman Mark Pietrowski and County Administrator Gary Hanson on the County side. Through those discussions, the City and County Board have put together a list of projects that the County would assist the City with, in exchange for the City agreeing to continue to share the 1.25% sales tax through the end of the IGAs in 2033.

The projects include a number of areas of collaboration, with the City and County leveraging DeKalb Sycamore Area Transportation Study funds, County cash contributions towards certain projects, the provision of in-kind engineering services from the County, and other examples of collaboration, in order to provide for interim and long-term improvements to portions of Peace Road, Gurler Road, and Twombly Road. Those projects are described in greater detail in the staff memorandum.

Recommendation

The City Council conditionally approved the sales tax IGA on September 24, 2018 and extended the period for ratification of the IGA on November 13, 2018. This item would constitute final ratification of that IGA and continuation of the sales tax-sharing agreement.

One final point of interest: in November, the Council discussion of the proposed IGA was continued to allow time for the negotiation of a companion intergovernmental agreement pertaining to public safety communications. As the Council is aware, the City is converting from daily utilization of a Motorola Starcomm digital radio system to using the County's P-25 digital radio system. The parties had discussed entering into an IGA to address joint dispatch and emergency telecommunications issues. Such an IGA is not needed at this time, because Chief Lowery and County Sheriff Roger Scott have developed a memorandum of understanding that the County has ratified. The attached resolution similarly affirms that MOU on behalf of the City.

City Council approval is recommended. ([Click here for further information.](#))

K. ORDINANCES – SECOND READING

- 1. Ordinance 2019-002 Authorizing a Zoning Map Amendment from the “HI” Heavy Industrial District to the “PD-I” Planned Development – Industrial District and Approval of a Planned Development Preliminary Plan for a Community Solar Garden to be Located Along the North Side of Gurler Road, Approximately 500 Feet East of South First Street (SunVest Solar, Inc.). (*Second Reading*)**

City Manager’s Summary: This item was heard on First Reading at the City Council meeting of January 14, 2019.

The applicant, Bill French of SunVest Solar, Inc., is requesting approval of a zoning map amendment from the "HI" Heavy Industrial District to the "PD-I" Planned

Assistive services available upon request.

Hearing assistance devices are available in the Information & Technology Office, which is located to the right, just before entering Council Chambers.

Development-Industrial District and the approval of a planned development preliminary plan for a 36.34 acre site located along the north side of Gurler Road, approximately 500 feet east of the intersection with South First Street. The parcel will be subdivided into three lots, with Lots 1 and 2 (totaling about 26 acres) containing a 2-megawatt community solar garden, with Lot 3 (about 10 acres) reserved for future industrial uses. The solar panels will be installed on fixed-tilt racking systems supported on galvanized steel beams that are pile-driven 8-10 feet in the ground. The panels will be oriented south, with rows stretching from west to east. Access will be from a private drive connecting with Gurler Road. A seven (7) foot high deer fence is proposed for the perimeter of the panels with a gate at the entrance. A 100-foot setback will separate the panels from the adjacent residence on South First Street. A minimum setback of 40 feet will parallel Gurler Road and South First Street. Twenty (20) foot easements will also be established along the south and west frontages to allow for future water main and sewer main extensions.

The developer will be required to contribute 50% of the estimated cost of any future water main extension through three annual payments of \$40,833.33. Further details are noted in the attached memorandum from Principal Planner Dan Olson.

A public hearing was held on the application on November 7, 2018 before the Planning and Zoning Commission. The Commission voted 5-0 (Commissioner Castro was absent) to recommend Council approval, with the conditions outlined in the attached memorandum. **City Council approval of the attached ordinance on second reading, with conditions, is requested.** ([Click here for further information.](#))

L. ORDINANCES – FIRST READING

1. Ordinance 2019-006 Amending Chapter 2 “City Council.” (*First Reading*)

City Manager’s Summary: City Attorney Dean Frieders has prepared some minor revisions to Chapter 2 of the DeKalb Municipal Code regarding the conduct of City Council meetings. The proposed changes are red-lined. There are a number of non-substantive modifications intended to clarify or simplify existing language.

The substantive modifications include:

- Noting the ability of Council to approve the Consent Agenda and to approve waiver of second reading and approval of ordinances with a single motion.
- Amending the process for public comment at public meetings. Rather than separating public comment between “Public Participation” (for items not on the agenda) and discussion at the time of individual agenda items, all public comment would be offered under “Public Participation,” with the exception of persons who have a unique standing relative to a given item for separate action, such as the petitioner in a zoning matter. Such persons could be recognized by the Mayor to speak at the time of the action if desired.

Assistive services available upon request.

Hearing assistance devices are available in the Information & Technology Office, which is located to the right, just before entering Council Chambers.

- This approach also allows members of the public the ability to provide their comment at the very beginning of the meeting for their convenience (rather than waiting until much later in the meeting) and allows the Council a more orderly flow for agenda items.
- Elimination of the quarterly Discussion, Planning, and Vision Meetings. The Council has not adhered to the requirement of conducting these meetings on any regular schedule since this code provision was adopted, and it is recommended to remove this language if the Council does not intend to follow it.
- Removal of the language permitting imposition of penalties for Council members who do not attend meetings. The Council has not previously utilized this language.
- Updating the provisions relating to approval of meeting minutes to be compliant with the requirements of the Illinois Open Meetings Act.
- Noting that the Council has adopted Robert's Rules of Order under its home rule authority, which gives clarity to the legal effect of votes taken by Council under certain circumstances. For example, where fewer than all members of the Council are in attendance at a meeting and an ordinance is approved by a vote that is a majority of those present, but not the concurrence of a majority of the full Council, under Robert's Rules (as interpreted by recent Illinois case law), the vote would be effective. In the absence of this amendment, the outcome is not as reliable.

These revisions are proposed for consideration by Council and are subject to such further revisions as Council may wish to direct. **City Council approval is recommended.** ([Click here for further information.](#))

2. Ordinance 2019-007 Amending the Fiscal Year-End December 31, 2018 Budget in the Amount of \$171,669.20 for the Remainder of the 2018 Street Maintenance Program with Curran Contracting Company. (Passage on First Reading, Waiver of Second Reading)

City Manager's Summary: Curran was awarded the 2018 Street Maintenance construction contract on June 25, 2018, based on their competitive bid. City Council approved staff to spend up to \$1,852,203 for construction services with funding from four sources: the MFT Fund, TIF #1 Fund, TIF #2 Fund, and the Capital Projects Fund. The Capital Projects Fund share was to be \$340,000: \$228,000 for construction and \$112,000 for engineering services. This amount would have been covered by the two-cent increase in the Local Motor Fuel Tax (approved in January 2018) which generates about \$360,000 per year. The Capital Project Fund balance as of December 31, 2018 was \$574,160.88.

Because of an oversight in budgeting in the Capital Projects Fund 2018 budget, only \$132,400 was allocated for the Street Maintenance Program. Thus, the budget must be amended from \$132,400 to \$304,069.20 (+\$171,669.20) to fully fund the 2018

Street Maintenance Program. This is \$35,930.80 less than the original estimate, because Curran completed the project under the budget. Although the actual year-end balance would cover the error, it is important to show a true 2018 budget for audit purposes.

City Council approval of the proposed amendment to the Capital Fund budget is recommended. ([Click here for further information.](#))

M. REPORTS AND COMMUNICATIONS

1. Monthly Freedom of Information Act (F.O.I.A.) Summary.

City Manager's Summary: Beginning in February, the City staff will provide the Council with a summary of the previous month's Freedom of Information Act requests, including the name of the interested party, the nature of the request, the staff hours spent preparing appropriate responses, and the cost of those staff hours.

N. EXECUTIVE SESSION PURSUANT TO 5 ILCS (120/2)

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

O. ADJOURNMENT

[CLICK HERE FOR FULL AGENDA PACKET](#)