

SYCAMORE CITY COUNCIL
AGENDA
May 6, 2002

City Council Workshop Meeting
No Meeting Is Scheduled

Regular City Council Meeting
7:30 P.M.

1. **CALL TO ORDER**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL OF AGENDA**
5. **AUDIENCE TO VISITORS**
6. **CONSENT AGENDA**
 - A. Approval of the Minutes of the Regular City Council Meeting of April 15, 2002;
 - B. Payment of the Bills for May 6, 2002.
7. **PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.**
 - A. Proclamation Declaring the Week of May 6 through May 12 to be Public Service Recognition Week.
 - B. Presentation by Carlo Cavallaro, Director of Franchising and Government Affairs for AT&T Broadband, regarding a new cable channel featuring NASCAR racing.
8. **REPORTS OF OFFICERS**
9. **REPORTS OF STANDING COMMITTEES**
10. **PUBLIC HEARINGS--None**
11. **ORDINANCES**
 - A. **Ordinance No. 2001.75—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to the Request of Barbara Louis**

Messinger and Dan Jahns, co-Trustees of Trust No. 100, and Wiseman-Hughes Enterprises, Inc. for Approval of an Annexation Agreement for a Planned Unit Development Known as Reston Ponds at the Northeast Corner of Bethany Road and Somonauk Street with Zoning Classifications of “R-1” One Family Residence District and “C-1” Neighborhood Business District in the City of Sycamore, Illinois. Second Reading.

At the regular Council meeting of March 18, the Council deferred consideration of the annexation agreement, preliminary plat, and annexation for the planned development known as Reston Ponds because of some outstanding issues that were not resolved between the Plan Commission meeting of March 11 and the Council meeting of March 18. The Council and the developer, Wiseman-Hughes Enterprises, Inc, agreed to bring the project back for consideration on April 15. At the regular Council meeting of April 15, the Council held a public hearing on the proposed development. No one appeared to comment. The Council subsequently took up the proposed development in detail. Because some engineering issues had not been resolved, the Council postponed action on second reading until the meeting of May 6.

By way of background for the meeting on May 6, a substantial portion of the background report for the April 15 meeting is repeated below. The proposed development comprises a 203.18-acre parcel at the northeast corner of Bethany Road and Somonauk Street commonly known as the Jahns farm. The developer, Wiseman-Hughes Enterprises, Inc., intends to create a planned unit development that primarily features “R-1” One Family Residence zoning with detached single-family homes, with the exception of a 5.05-acre area to be zoned “C-1” Neighborhood Commercial, adjacent to the intersection of Bethany Road and Somonauk Street. The development which will be known as “Reston Ponds” was first discussed in a Plan Commission workshop meeting on January 14, 2002. The proposed terms, conditions, and plan for the new development are variously described in the annexation agreement, preliminary plat, zoning plan, and landscape plan which are attached for the Council’s review.

The principal features of the annexation agreement and the preliminary plan for the annexation are as follows:

1. The Plan.

- a) Overall Area. The plan depicts a development of 203.18 acres.
- b) Land Uses. The table below displays the land uses in the proposed plan:

Single-Family Homes	97.65 Acres
Park Sites	17.81 Acres
Bike Pathways	1.75 Acres
Ponds and Detention	35.53 Acres
Landscape Buffers	3.98 Acres
Neighborhood Retail	5.05 Acres
Right of Way	41.41 Acres
Total	203.18 Acres

- c) Density. The density of the residentially zoned area is 1.97 units per acre (391 single family units divided by 198.13 acres). The allowable density of the area is three (3) units per acre.
- d) Single-Family Homes. A total of 391 single family detached homes are planned. The average lot size is 10,800 square feet.
- e) Transitional lot sizes. The critical transition points are at the northwest, north, and northeast corners of the development area. The adjacent lot sizes are noted on the attached chart. The Plan Commission agreed that the transitional lot sizes are acceptable.
- f) Commercial Uses. In terms of uses, the 5.05-acre commercial corner would be constrained by the Regional Plan. No variances from these uses have been requested. The uses identified in the Regional Plan include the following: antique shops, beauty shops, drug stores, florist shops, gift or novelty shops, ice cream shops, professional laundries, convenience grocery stores without gasoline sales and service, professional offices, and day care centers. The Council will note that the developer has reduced the size of the commercially-zoned area from the allowable maximum of 12 acres.
- g) Park Space. Two park areas are shown that the developer wishes to dedicate to the Park District. One is the large central park area of 12.54 acres (Lot 399 on the preliminary plan). The other is a 2.5-acre site shown as Lot 404, which would connect with the 2-acre park space in Krpan's Parkside Estates plan. The Park Board supported this proposal on April 16.
- h) Bike Paths. A bike path is shown that runs northward from the intersection of Bethany Road and Somonauk Street along the east side of the drainage easement to a point north of Lot 156, then eastward across the subdivision to the Fenstermaker property. This path will eventually link with the bike path required in the Krpan subdivision. The developer is in discussion with the Sycamore Park Board about the dedication of this path and adjacent easement to the Park District for long-term public use and maintenance. This bike path will serve a regional purpose. It will eventually be linked with the DeKalb Sycamore bikeway that presently ends in the Prairie Business Park, and with the Great Western Trail to the east via bikeways through the Krpan subdivision and the Sycamore Community Park.
- i) Single-Loaded Street. As recommended by the Regional Plan, the proposed preliminary plan depicts a single-loaded street (Fulton Lane) featuring detached single-family homes. As a result of the Plan Commission discussion, the developer agrees to provide 5 basic "Victorian" facades for the Fulton Lane frontage that will be judiciously interspersed to avoid a monolithic look while serving the local interest in some historic architectural resonance.
- j) Detention basins. The plan includes a system of drainage basins that would provide regional storm water storage that includes the runoff from the development area and the release from the Bethany Road regional detention pond. The Council will note that the drainage ponds and drainage easements are numbered as lots (Lots 392-406). Lot 399 might be used for park space, but would be privately maintained because its drainage role will limit its usefulness during rain events.

- k) Landscaping. A tree-planting plan is attached. The development will feature a landscaped median at the main entrances off Bethany Road (Reston Boulevard) and Somonauk Street (Becker Place). A proposed landscaped median on Waterman Drive (name to be changed) will be removed because of the difficulties posed for snowplowing on the curve.
- l) Somonauk Street widening and reconstruction. The east side of Somonauk Street will be widened by the developer to include 12-foot turn lanes. Additional right-of-way to a point 50 feet from the street centerline shall be dedicated with additional right-of-way at the intersection of Bethany Road and Somonauk Street.
- m) Bethany Road widening and reconstruction. The developer is also responsible for widening and reconstructing Bethany Road to a width of 41 feet back-to-back of curb, except for widening at the intersection of Bethany Road and Somonauk Street. A recapture scheme is introduced in the annexation agreement to establish a fair means to gain financial assistance from future developers of adjacent properties. The City staff are agreeable to removing the arbitrary time limit of five years on this recapture scheme.
- n) Traffic signals. The developer will establish an escrow account to pay for a proportional share of the signals at the corner of Bethany Road and Somonauk Street when such signals are warranted.
- o) Water systems. As with previous development plans for this area, the proposed plan would accomplish a long-awaited looping of the water main system that will improve the quality of water for the east end of town.
- p) Maintenance of common areas. A homeowners association will be responsible for the maintenance of the plan's large open spaces and common areas not otherwise dedicated to the Park District.
- q) Front yard setbacks. The City's Zoning Code prescribes a 20 foot front yard setback. The City Engineer has asked for a 25 foot setback as the City did with Heron Creek and Townsend Woods (the Krpan's Parkside Estates plan shows 30 foot setbacks). The Reston Ponds plan would need to be revised on this point if the Council supports the City Engineer's recommendation.

2. The Subdivision name. The proposed name of the subdivision--"The Enclave at Reston Ponds"—has significance in terms of Sycamore's history. Pamela Schawel of Wiseman-Hughes spent some time at the Joiner History Room and learned that one of the City's most prominent historical figures was William Fulton, who served as an Illinois Supreme Court Justice. His daughter, Sally Reston, was married to Scott Reston, the former publisher of the New York Times. Although her husband never lived in Sycamore, Sally grew up in Sycamore and regularly corresponded with friends in the City during the 1940s and 1950s, recounting her travels and observations of world events in correspondence that is collected in the Joiner History Room. During the Plan Commission meeting, the Commission recommended the shortening of the subdivision name to "Reston Ponds" to avoid the exclusive connotation suggested by the word "Enclave."

3. The Annexation Agreement.

The key points in the agreement are as follows:

- a) The term is 20 years.
- b) The City agrees to hold a public hearing for the C-1 zoned property to be rezoned to R-1 One Family residence in the event that no commercial uses have been established within five (5) years.
- c) The developer will provide an irrevocable letter of credit for the public improvements on the site.
- d) Sidewalks are not required along the Somonauk frontage where the bike path will go.
- e) The developer is responsible for additional widening and reconstruction along the Somonauk Street frontage. The developer will create a 12-foot northbound turn lane into Becker Place. This widening shall begin with the first phase of the project and shall be completed from the Becker Place entrance southward to a point 150 south of the Georjean Court centerline. The balance of the widening south to Bethany Road shall be completed within seven years or whenever 300 single family homes have been permitted, whichever comes first.
- f) The developer is responsible for widening and reconstructing Bethany Road to a width of 41 feet, with turn lanes at the intersection with Somonauk Street. The developer will be able to recapture a share of this cost as the property on the south side of Bethany Road is developed. There will be no limit on the period for recapture.
- g) The developer will establish an escrow account for a proportional share of the cost of installing signals at the intersection of Somonauk Street and Bethany Road.
- h) The developer will be permitted to introduce a mobile sales office which will be accessed from the new entrance off Bethany Road, and will be able to maintain the sales office until permits for 95% of the single family lots have been issued.

4. The Traffic Study.

As John Brady explains in the attached memorandum, Intech Consultants of Downers Grove completed a traffic impact study for the developer. The firm projected 3700 vehicles per day from the residential zoned area and 2200 vehicles per day from the small commercial zone once the development is completed. It is the staff's opinion that the consultant overestimated the traffic to and from the commercial site, with the limited variety of uses allowed in that area in order to reduce traffic. About 36% of the traffic would travel to and from the Becker Place intersection, and 32% from the Reston Boulevard intersection with Bethany Road. The internal traffic would be widely distributed over the thirteen streets with access to the development area.

5. The Fiscal Impact Study.

The City Administrator completed a fiscal impact study using the proposed new impact fees and updated assumptions based on recent City and School budgets. The development is projected to have a positive fiscal impact on City finances, but a

negative fiscal impact on School finances. The negative annual fiscal impact in terms of the School District is largely due to the pace of new construction projected for the development (i.e. 75 homes per year, on average). The School Board representative to the Plan Commission, John McBride, reported to the Commission that the Board was “neutral” on this project, given present capacities and the developer’s impact fee contributions at the newly revised level. The Board’s concern is presently directed to the northeast where the prospect of future large developments along the Plank Road corridor could potentially have a greater impact on school space and operating budgets.

6. The Park District Review and Annexation.

The developer’s plan for annexation was approved on April 16.

7. Proposed Variations From Policy or Past Practice.

The developer proposed a number of variations from standard City practice. The proposals, and the Plan Commission’s recommendations, are listed below:

- a) Street Widths. The developer proposed a reduction in the minor residential street widths from 35’ to 31’. The staff opposed this request. The Commission supported the staff position but concurred with the Administrator’s suggestion that this matter might be discussed with local residents as the City revises its Comp Plan later in the calendar year.
- b) Impact Fees. The developer accepted the proposed new level of impact fees but asked for protection from any further increases for the next five years. In consideration of the Council’s intention to review impact fees in three years, the Commission accepted a compromise proposal to cap the fees for the next three years, with the requirement of a six-month notification period for any changes thereafter.
- c) Storm Water Storage Requirements. The developer and the City Engineer agree that the storage requirement should be double the City’s standard in Section 8-6-7 of the City Code. There is still a professional or technical disagreement over how to provide for the doubling of the storage capacity. The Commission and staff have recommended that the Council not act to approve the annexation agreement or preliminary plat or annexation until such time as the City Engineer is satisfied with the developer’s design.
- d) Traffic Signal Costs. The developer agreed to pay his fair share of the traffic signals that will one day be installed at the intersection of Bethany Road and Somonauk Street when warrants arise, but asked to have his share quantified now so it could be factored into the sale of the lots. The City Engineer and the developer have agreed on the present value of the signal installation, and the developer will escrow the funds to accrue interest against the future inflation of those costs.
- e) Commercial Zoning. The developer agreed to locate the neighborhood zoning at the southwest corner of the parcel, next to the intersection of Bethany Road and Somonauk Street, but wishes to reduce the size of the commercial area from the 12 acres shown on the Regional Plan to 5.05 acres. The developer also asked to be able to rezone the property to “R-1” One Family Residence after

five years if no commercial interest arose. The Commission and the staff agreed to this variation since the nearby neighbors were never keen on the commercial zoning and since five years was a reasonable period to invite some commercial interest in the corner.

- f) The Sycamore Look. The developer agreed to comply with the Regional Plan's requirement of a row of historic facades along the Somonauk Street frontage, but expressed concern about the potential uniformity of the look. The Commission and the staff recommended, and the developer agreed, to market five distinct facades to potential buyers of lots along Fulton Lane, with a requirement that no two adjacent houses would look alike, and that more than five options could be considered.

Recommendation

With respect to the preliminary plan and plat, the outstanding issues are as follows:

- ◆ The front yard setbacks remain 20 feet in some places.
- ◆ The bike path running southward along the easement to Bethany Road should be labeled, and its path to the east of the development should be clearly delineated.

With respect to the annexation agreement, Paragraph 14 needs to be revised to include the following requirements:

- ◆ The storm water storage shall be designed as per the Rational Method and the volume which is determined shall be doubled;
- ◆ Final engineering shall determine the existing depressional storage that is now available on the site and this amount shall be added to the storage that is to be provided;
- ◆ The 84-inch equivalent elliptical pipe culvert at Parkside Drive is to be removed and replaced with a 12' by 4' box culvert that is raised up so that the flow is at the same grade as the ditch so it does not easily invite silt and so lessen the capacity. The replacement of the box culvert would not be completed until Parkside Drive is extended south to Bethany Road with the Krpan project so there is another way out of the subdivisions south of the Lincoln Ditch while the culvert is being replaced.

The developer has agreed to make the recommended changes to the annexation agreement and the preliminary plan. The City Administrator recommends the Council's approval of the annexation agreement and preliminary plan and plat.

B. Ordinance No. 2001.76—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to the Request of Barbara Louis Messinger and Dan Jahns, co-Trustees of Trust No. 100, and Wiseman-Hughes Enterprises, Inc. for Approval of the Preliminary Plan and Plat for the Planned Unit Development Known as Reston Ponds in the City of Sycamore, Illinois. Second Reading.

The preliminary plan and plat for Reston Ponds has been reviewed above. The Plan Commission reviewed the plat in detail at its regular meeting of March 11 and unanimously recommended its approval with the following conditions:

- a) that Commercial Street should connect with Becker Place;
- b) that the typical minor residential street width should remain 35 feet back-to-back of curb, with the exception of the single-sided Fulton Lane, which can be 31 feet back-to-back of curb;
- c) that new street names should be submitted for the east-west portion of Brower Place and the east-west portion of Fulton Lane;
- d) that new names should be found for Elmwood Street, Waterman Street, and Turner Lane since these are duplicates of existing streets;
- e) that, aside from the raised and landscaped medians at the Becker Place and Bethany Road entryways, the raised medians should be removed from interior streets.
- f) that new names should be found for Elmwood Street, Waterman Street, and Turner Lane since these are duplicates of existing streets;

At the Council meeting of April 15, questions were raised about how the commercially zoned area would look if it were converted to single family use. A full-sized plat sheet showing such a configuration will be displayed on the Council bulletin board during the meeting for review.

With only two minor exceptions, all required revisions to the preliminary plat have been made. Provided the developer agrees to make these revisions to the satisfaction of the City Engineer prior to recording, the City Administrator recommends the Council's approval of the preliminary plan and plat for the Reston Ponds development.

C. Ordinance No. 2001.77—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to the Request of Barbara Louis Messinger and Dan Jahns, co-Trustees of Trust No. 100, and Wiseman-Hughes Enterprises, Inc. for Approval of the Annexation of the Planned Unit Development Known as Reston Ponds in the City of Sycamore, Illinois. Second Reading.

If the Council approves the annexation agreement and the preliminary plat and plan for the Reston Ponds planned unit development, it will be obliged to approve the annexation of the property. The Plan Commission voted unanimously to recommend the City Council's approval of the annexation, provided the developer revised the preliminary plat and plan and annexation agreement in line with the recommendations made at the Commission meeting of March 11. As noted above, all but a few minor revisions have been made to the plat and all substantive issues have been resolved in the annexation agreement. Accordingly, the City Administrator recommends the approval of the annexation, provided the agreement and the plat are approved.

D. Ordinance No. 2002.01—An Ordinance Amending the City Code, Title 7, “Public Ways and Property,” Chapter 1, “Streets, Sidewalks, and Public Ways, General Provisions,” Section 7-1-15: “Snow Removal,” in the City of Sycamore, Illinois. First and Second Reading.

The attached ordinance grows out of several Ordinance Committee meetings on March 18 and April 15. It imposes penalties on downtown propertyowners who fail to remove ice and snow from their frontage sidewalks in a timely manner. Specifically, it requires that snow be removed within eight hours after a snowfall has occurred, or a first-time violator will incur a fine of \$50 and be billed for the summary abatement of the nuisance by the City at its cost. The fine for a second offense within a six month period is \$100 and the fine for a third or subsequent offense within a six month period is \$150.00.

City Council approval is recommended.

E. Ordinance No. 2002.02—An Ordinance Amending the City Code, Title 6, “Motor Vehicles and Traffic,” Chapter 4, “Traffic Schedules,” Section 6-4-12, “No Parking Zones,” To Make the South Side of Ottawa Street a No Parking Zone from Somonauk Street to Park Avenue in the City of Sycamore, Illinois. First and Second Reading.

Based on the direction of the Ordinance Committee, the City Administrator has proposed an ordinance revision that would shift the “no parking” zone on Ottawa Street between Somonauk Street and Park Avenue from the south side to the north side. Police Chief Thomas has attempted to contact each of the propertyowners along this corridor and has received no objections. However, not every propertyowner has responded. He will continue his efforts until the meeting of May 6 and report on his findings. If the Council is not satisfied that every propertyowner has been made aware of the proposed change, the Council might defer a second reading until May 20.

City Council approval is recommended.

F. Ordinance No. 2002.03—An Ordinance Concerning the Recommendation of the Board of Zoning Appeals with Regard to the Petition of Dominick Tabone for a Variance from Section 8.02.7c of the Zoning Ordinance of the City of Sycamore. First and Second Reading.

On April 23 the Board of Zoning Appeals held a public hearing on a request by Dominick Tabone of 1772 Longwood Drive for a variance from certain rear yard requirements in order to construct a 20 foot by 16 foot room addition. The south side of Mr. Tabone’s relatively new duplex is adjacent to the Menard property and is separated from that property by a ten foot fence. The rear yard is shallow and is separated from the property to the east by trees and other landscaping (see attached photos). It is Mr. Tabone’s intention to build a 16’ by 20’ sun room where a similar-sized open deck presently exists (see the attached drawing). The furthest edge of the proposed sun room would be within 14 feet of the rear lot line. This proposal does not conform with the City’s rear yard setback requirements of 30 feet.

In reviewing the proposal, the Board of Zoning Appeals reasoned that the proposed addition would not have a negative impact on adjacent properties. It would be shielded by the fence to the south and the landscaping to the east. The Board also took note of the fact that the proposed addition was no closer to the adjacent

residential property than the present deck, and that the rear yard of the building was, practically speaking, the side yard of the corner lot (although not for zoning purposes) and that side yard separations are typically 5 feet. With these considerations in mind, the Board recommended that the Council approve the variance request by a vote of 6-0.

City Council approval of the recommendation of the Board of Zoning Appeals is requested.

12. RESOLUTIONS

A. Resolution No. 410—Concerning State Income Tax and Photoprocessing Tax Shared with Municipalities.

The attached resolution opposes a “balanced budget” plan recently introduced in the Illinois Senate that would reduce the amount of state income tax municipalities receive by 10%, and reduce altogether the municipal share of the photoprocessing tax. Both local shares are calculated on a per capita basis.

With respect to the state income tax proceeds, the present distributive formula has its origins in the last major state budget crisis of the early 1990s when a temporary state income tax surcharge was imposed. At that time, the legislature addressed state budget shortfalls by making irregular payments to municipalities and also varying the distribution formula. In the Spring of 1993, the state arrived at a compromise formula that made the surcharge permanent, and redefined the local governmental share. For the period August 1, 1994 through July 1, 1995, one-eleventh of all state income tax receipts were deposited in the Local Government Distributive Fund (LGDF), and then disbursed to municipalities on a per capita basis. Thereafter, one-tenth of all state income tax receipts were deposited in the LGDF on a per capita basis.

Because of the economic downturn that began in March 2000 and has continued until the present calendar quarter, state income tax proceeds and the gross receipts in the LGDF have fallen dramatically on a per capita basis. In the spring of 2001 the per capita local share was \$76.76; the current projection is about \$74 per capita. The recently-approved FY03 City budget projects a more conservative \$73 per capita, or \$877,460. The proposed Senate budget balancing plan would reduce our state income tax receipts by about \$6.75 per person, or \$81,135.

Photoprocessing taxes are imposed on the sale of developing film. They are likewise received by the state and remitted to local governments on a per capita basis, and like the state income tax these proceeds have declined since 2000. In the City budget, these tax proceeds are mixed with the state sales tax totals (#3211) and are estimated to total about \$2.10 per person in FY03, or \$25,242. The Senate budget balancing plan, as presently drafted, proposes to eliminate the municipal share of this tax.

Clearly, state officials are wrestling with very tough budget issues. Vested interests of many stripes are pressing them to move away from one or another recipe for balancing the state budget. However, given the potential impact of one of the remedies under consideration, we would be remiss if we did not join the debate. In

the larger balance of state and local finances, to ascertain what is fair requires a careful weighing of monies shared and costs borne. Particularly in recent years, the City has certainly benefited from state capital dollars that have helped us improve our infrastructure, and lesser state grants in aid of our operational services. Senator Burzynski and Representative Wirsing have been very supportive of our needs. It should be kept in mind, however, that local communities generate substantially more value in the form of combined state sales taxes and income taxes than we receive in the form of state grants and state-shared revenue. In the attached resolution, the City is not asking for more. We are asking for preservation of the formulaic distributions that have served both the state and the City well in the past decade, and have allowed us to be restrained about the financial assistance we have sought from other levels of government.

State elected officials have some tough prioritizing to do. They have to weigh the relative impact of any decisions on education, human service agencies, and municipalities among other traditional recipients of state dollars. In this annual dilemma, they are no more unique than City Councils who have likewise been challenged by the recent economic decline. A key difference is that a decision by the Sycamore City Council to limit an appropriation will not affect any essential state services. The attached resolution basically asks the state to make the hard decisions without placing their burden on essential local services.

If the proposed state budget balancing plan is approved, the City Administrator will have to evaluate what, if any, FY03 City budget changes may be required. City Council approval of the attached resolution is recommended.

13. CONSIDERATIONS

A. Consideration of the Mayor's Veto of the Council's Motion to Approve Contractor Bids for the Sycamore Community Center Roof Replacement Project.

On March 8, 2002 Mayor Swedberg vetoed the action taken by the City Council on March 4, 2002 to approve a contract with Bruns Construction of Rochelle to remove and replace the roofing, fascia, soffits, gutters, and downspouts at the city-owned Sycamore Community Center for \$126,260 plus an additional per square foot cost for the replacement of roof decking and sheathing as considered necessary by the City Engineer. The Council received the Mayor's veto at the next regular meeting of March 18 and at the meeting of April 1 voted to postpone further action on the veto until May 6 to allow time for consultation between the Mayor and representatives of the board of the Midwest Museum of Natural History.

The use and maintenance of City-owned buildings is a matter of public policy. In this instance, the logical sequence of policy questions remains as follows:

- A. Should the Community Center be torn down?
- B. If not, what is the most constructive use for the building?
- C. If the proposed Midwest Museum is the most constructive use, should the City repair the roof?

Clear direction on each of these public policy questions can be given on May 6. The recent debate over the Community Center roof was prompted by the City Administrator's recommendation on February 4 to dedicate a portion of the 2002 bond proceeds to the repair of public buildings including the Community Center. It was not prompted by an appeal from the Museum Board. Clearly, points of view concerning the value of the proposed museum and the wisdom of starting the museum in the Community Center have become mixed with what was intended to be a practical approach to a longstanding problem that is threatening the continued use of the building. It is not fair or appropriate for the public or any vested interest to blame any sitting Council member or appointed official for the current state of the Community Center roof. It is proper, given the dire state of the roof, for the Administrator and the Council to consider the policy questions listed above, in much the same manner as any property owner might consider how, when, or if to address serious deficiencies in their property.

The first question--shall the Community Center be razed?—was asked by Alderman Bauer at the April 1 Council meeting. No alderman proposed this step.

The second question—what is the most constructive use for the building?—has also been asked and has generated differing responses. During the past three years the City Administrator has served as a liaison to community groups interested in the preservation of the building and its restoration for one of several uses. The first suggested use was a performing arts center. This idea had “legs” so long as there was a chance that the StageCoach Players would lease the building. When this prospect faded in the winter of 2000-2001, the guiding purpose of the ad hoc steering committee seeking to raise capital for the repair of the building was a more limited restoration to sustain recreational programming while the Park District used the building for its sponsored activities. In mid-summer, 2001, the idea of restoring the building to provide space for a natural history museum based on the Schelkopf collection was floated to the donors who had pledged funds for the building's rehabilitation. Nearly all the original donors signed on to this prospect, and the idea was brought to the Council in September, 2001.

One alternative use of the City property was offered by the owners of Fargo Motors during the fall of 2001, but this proposal involved the demolition of the Community Center at the City's expense, and not a productive re-use. From the late summer of 1999 to the present, the fate of the Community Center has been extensively scrutinized by the local media and widely discussed. On two occasions during this time frame, the Center and adjacent properties were considered by commercial developers for a larger redevelopment project, but without substantial public incentives such redevelopment was considered economically infeasible. Since the April 1 Council meeting, a third developer of older commercial properties was invited to take a look at the Community Center and evaluate its highest and best use. The firm—Batavia Enterprises—has developed industrial and commercial properties for over thirty years in the Batavia, St. Charles, Geneva, West Chicago, and Elburn markets and presently has 1,000,000 square feet under lease. Some information on the

company and some photos of recent conversion projects are attached. The owner, Gerry Dempsey, visited Sycamore on April 30 for several hours and evaluated the Community Center first-hand. While touring the Center he had at his disposal the renovation budget prepared by Durrant Architects and local information about commercial rents per square foot, other potential museum sites in the downtown area, and a “walk-around” tour of the downtown and its businesses. Mr. Dempsey did not visit the Schelkopf collection but was shown pictures of the collection and reviewed Museum literature on the goals of their fundraising effort. His reaction to this information and his first-hand look at the building essentially validated the Museum Board’s faith in the Center as a logical home for the museum effort. He considered the building to be fundamentally sound, although in need of substantial renovation and repair, and he noted the advantage to the downtown business district of a museum that would generate foot traffic most days of the year. Prior to his visit on April 30, Mr. Dempsey had no acquaintance with city or local business officials except for an old acquaintance at a local bank, and his personal acquaintance had been limited to several Pumpkin Festival visits.

The third question—if the Midwest Museum is the most constructive use, should the City repair the roof?—has been asked. This question relates to another: isn’t the Midwest Museum Board raising money for roof repairs and other building improvements? With respect to the first question, the building has been owned in fee simple by the City of Sycamore since June of 1951. In the past fifty years, the most substantial repair performed by the City involved the reinforcing of structural roof members in the gymnasium area and the shoring of supporting posts to remedy a structural failure that had its roots in the design of the original conversion of the 1920’s. In addition, the boiler has been replaced. Although the property is municipally owned, it has been allowed to slide into a derelict condition through years of neglect in terms of roof deficiencies, fire safety deficiencies, restroom deficiencies, etc. In terms of material warranties, the life of the present roof expired about twenty-five years ago. The question might well be turned around, to wit, *why hasn’t the City fulfilled its obligations in terms of its own property maintenance codes, its legal responsibilities as a landlord, and its role as a steward of the public’s tax dollars?*

Aside from its legal responsibilities, the City has a practical reason for repairing the roof: it is simply leaking like a sieve. There are open holes in the roof deck that presently allow rain water to pass through the roof system to the floors beneath at numerous points around the building. Since there is no movement to tear down the building and no preferred alternative uses that have been articulated, there is no logical reason to resist repairing the roof. This is all the more important because the Park District is still running a wide variety of recreational programs in the building seven days a week.

But isn’t the Museum Board raising money for building repairs? Yes. In October of 2001, the City Council challenged the community to raise the monies needed to renovate the building and create a natural history museum layout. The ad hoc steering

committee supporting the museum concept took up the challenge, reconstituted itself as a not-for-profit corporation, developed a business plan, approached prior donors to solidify its base of support for the museum, and launched its capital campaign on January 11, 2002. Its target has been \$1.2 million, the total renovation budget developed by Durrant Architects. This budget includes all of the improvements necessary to bring the building up to code, including the installation of an elevator and other improvements to make the structure accessible, the sprinklering of the building, the creation of proper fire stairs and exits, the creation of appropriate and accessible restroom spaces, the repair of the roof, the repair of the damaged interior wall surfaces, re-wiring the building, putting in a new boiler, etc. The museum design, the moving of exhibits, the installation of museum displays and simulated habitat, and interior finishes have always been an extra cost to be borne solely by the Museum.

In effect, the City is presently asking the community's wealthier residents—those individual and institutional donors who are the major sources of private philanthropy—to do what the City is legally accountable to do, and what they as taxpayers have expected it to do over time. Lacking an alternative in terms of a City commitment toward building repairs, the Museum Board has dutifully asked these donors to come up with the repair money. A number of the campaign's early supporters who have been considering larger donations or gifts have been troubled by the reluctance of City officials to assume some of the repair burden, and have wondered what this bodes for a landlord-tenant relationship.

In recent weeks Mayor Swedberg, Alderman Blickem, and representatives of the Museum Board have cooperatively discussed the prospect of the Board's purchase of the building. Most of the Board members have been successful in business and have had experience in buying and selling commercial property. In general it is fair to say that the Board does not believe that ownership of the building would be a win-win situation if the Board must assume an extraordinary list of building repairs and forego the advantage of free electrical service (excluding heat) that the building enjoys under the municipal franchise with Com Ed. There is room for further discussion on the sale of the building to the Museum Board if the City is willing to finance certain repairs and to offset the electrical cost savings that the Museum board would forego if it became an owner. At the last ad hoc meeting of April 22, it was agreed that the uncertainty surrounding the state grant made it difficult to ascertain the level of public financial participation that would make it economically advantageous for the Board to assume ownership of the building.

The Administrator suggests a compromise with respect to the "roof issue" that might allow some much-needed repairs to proceed without confusing the larger question of the City's role in Museum support. Perhaps the City could authorize the roof repairs with the understanding that if the Museum Board raises the necessary fund to launch the building restoration, \$63,130 (i.e. the Bruns roof bid divided by 2) would be deducted from any subsequent City contribution toward the Museum effort.

City Council direction is requested.

B. Consideration of a Recommendation from the City Engineer to Award a Contract for the Annual Crack Sealing Program to Midwest Tar Sealer Co. in the Amount of \$37,700.

For a number of years the City has tried to maintain a steady program of crack-filling on neighborhood streets. This year will be no exception. As the Council discussed at the February workshop on the FY03 capital spending program, crack-filling is one of several methods of street maintenance and is the least expensive. Its purpose is to seal fissures that develop in asphalt surfaces and lead to the introduction of de-stabilizing moisture below the driving surface, which in turn can prompt more expensive methods of street maintenance to remedy. This year's list is attached.

Six bids were received on April 29 for the crack-filling program (see attached) and the low bidder was Midwest Tar Sealer Company of Itasca, Illinois in the amount of \$37,700. The City Engineer recommends the Council's approval of a contract for their services. The funding for this work is provided by the Street Division budget (731-8316).

C. Consideration of a Recommendation from the City Engineer to Award a Contract for the Annual Micro-Surfacing Program to AC Pavement Striping in the Amount of \$213,129.48.

Micro-surfacing is another short-term maintenance measure with a life of about 5 to 7 years. It involves the application of an asphalt emulsion that provides a binding quality that improves the surface texture. Three bids were received on April 29 and the low bidder was AC Pavement Striping of Elgin, Illinois in the amount of \$213,129.48. The City Engineer recommends the Council's approval of a contract for their services. The funding for this work is primarily provided by the Street Division budget (731-8316) and also by the 2002 bond proceeds.

A list of the streets included in the micro-surfacing portion of this year's street maintenance program is attached. City Council approval is recommended.

D. Consideration of a Recommendation from the City Engineer to Award a Contract for the Annual Bituminous Resurfacing Contract to Curran Contracting Company in the Amount of \$276,897.70.

The FY03 street maintenance program also includes some resurfacing. This process involves the removal or rotomilling of old bituminous surfaces and the application of a new asphalt surface that brings a design life of about 15 years. It is about six times more expensive than micro-surfacing. By way of comparison, a reconstructed street has about a 20-25 year design life if the road surface is thereafter routinely filled and sealed. A list of the streets to be re-surfaced is attached.

Two bids were received for this work. The low bidder was Curran Contracting Company of DeKalb, Illinois in the amount of \$276,897.70. The City Engineer

recommends the Council's approval of a contract for their services. The funding for this work is primarily provided by the 2002 bond proceeds.

E. Consideration of a Tree Trimming Agreement with Com Ed.

The attached "Vegetation Management Agreement" has been circulated to 403 Illinois communities by Com Ed. The corporation's intent is to standardize the schedules and procedures for trimming trees near overhead power lines. From the company's standpoint, such standardization will allow it to avoid the patchwork of ordinances presently in effect and allow it to proceed more efficiently to reduce interruptions in service in its service region due to limbs touching or falling on wires.

The model agreement generally complies with the August 2001 state act (Public Act 92-0214) that adopts a federal standard (the ANSI Code, #A300) for distances from wires. It also requires the following notice, except during emergencies:

- ◆ Notice to the municipality of at least 21 days and no more than 90 days before the cycle of trimming begins;
- ◆ Direct notification to the affected customers by mail or hanging a card on the customer's door;
- ◆ Public notice in a newspaper with general circulation of the cycle of trimming and a map depicting the area.

Additionally, the model agreement complies with the recent state law with respect to private tree removal. Owners of trees of 4 or more inches in diameter that need to be removed because of their type or proximity to overhead lines will be given vouchers for replacement trees from participating vendors by the company. Com Ed would cut down the tree and remove associated brush at no cost to the owner and leave the logs stacked on site. It would not remove the stump or the logs.

Finally, the model agreement proposes a tree trimming cycle of four years, and the term of the agreement would be five years.

As provided by state law, participating communities could explore a revised agreement with Com Ed that, for instance, imposes a less aggressive cycle of trimming. As a recent Crain's article reported, some communities in the western suburbs would prefer a two-year cycle so the trimming is less noticeable. However, under the state law and the model agreement, a departure from the ANSI standard for trimming would involve more cost that would be borne by the municipality. Schaumburg—a village of 75,000—estimates that its less aggressive standard costs the city about \$90,000 a year. West Dundee estimates its cost would be at least \$50,000. Assuming a proportionate cost for our smaller community, our expense might be \$15,000 to \$20,000 per year.

The City has no arborist and a limited forestry budget that is currently devoted to paying a private contractor to remove diseased or damaged trees *and stumps* from the parkways each year. Public Works Superintendent Fred Busse believes the proposed agreement would be an advance over our current practice. If the Council is inclined to

support the general parameters of the model agreement, there are some details that deserve attention before any agreement is approved:

- ◆ How much notice do customers receive before tree trimming? The agreement is silent on this.
- ◆ Will the City be properly held harmless for any trimming Com Ed does on public property?
- ◆ What are the certifications or qualifications of the crews of the subcontractor (Asplundh Tree Expert Co.)?

City Council direction is recommended.

F. Consideration of an Administration Recommendation for a Closed Session to Discuss Collective Bargaining.

14. APPOINTMENTS

15. ADJOURNMENT