

SYCAMORE CITY COUNCIL

AGENDA

July 15, 2002

City Council Committee Meetings

No Meetings Are 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 City Council Workshop Meeting of July 1, 2002;
 - B. Approval of the Minutes of the Regular City Council Meeting of July 1, 2002;
 - C. Payment of the Bills for July 15, 2002.
- 7. PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.**
- 8. REPORTS OF OFFICERS**
- 9. REPORTS OF STANDING COMMITTEES**
- 10. PUBLIC HEARINGS**
 - A. Public Hearing On a Proposal to Create a Plat Officer.**

This public hearing has been set to invite public opinion on the creation of authority for the administrative processing of certain limited re-subdivisions of land. Details of this proposal are explained under "Ordinances."

B. Public Hearing On a Proposal to Annex a 1.83-Acre Parcel Located at 215 Plank Road.

This public hearing will invite opinion on the annexation of a 1.83-acre parcel on Plank Road, east of IL. Rt. 23, which is bounded on three sides by property owned by the DeKalb Clinic Chartered. Further detail on this proposal is provided under “Ordinances.”

11. ORDINANCES

A. Ordinance No. 2002.21—An Ordinance Amending Title 1: “Administration,” Chapter 9, “Appointive City Officers,” by Adding Section 1-9-I: “Plat Officer,” in the City of Sycamore, Illinois. First and Second Reading.

A public hearing was also held on the staff proposal to create authority for the administrative processing of certain limited re-subdivisions of land at the Plan Commission meeting of July 8. According to the attached ordinance, a new position is not created but new authority is established that can be delegated to current staff members who are familiar with minor re-subdivisions to permit the sales of duplex and townhouse units in fee simple. In the past year, the number of townhouses and duplex units offered for sale in fee simple has increased, and the present code provisions require a process of Plan Commission review and Council approval.

In the attached ordinance, the new staff authority would not extend to special use permitting, annexation, rezoning or other actions for which public hearings and Council action is required by state statute. The Plan Commission reviewed the ordinance draft on July 8 and recommended its approval by a vote of 10-0. City Council approval of the Plan Commission recommendation is requested.

B. Ordinance No. 2002.22--An Ordinance Concerning the Recommendation of the Plan Commission With Regard to the Petition From Yvonne Wolfenberger for Approval of an Annexation Agreement and Annexation Plat for the Property Located at 215 Plank Road, DeKalb County, Illinois with a Zoning Classification of “C-3” Highway Business District in the City of Sycamore, Illinois. First and Second Reading.

Ms. Wolfenberger has petitioned for the annexation of a 1.83-acre parcel that is bounded on three sides by property owned by the DeKalb Clinic Chartered (at the northeast corner of Plank Rd. and IL Rt. 23). The property, which is distinguished by a single-family residence, is presently within DeKalb County’s zoning jurisdiction and is zoned residential.

Ms. Wolfenberger has no development purpose in mind at this time, but would like to re-zone the property to “C-3” Highway Business to be consistent with the commercial zoning of the surrounding DeKalb Clinic parcel. The proposed commercial use is also consistent with the City’s Land Use Plan.

The DeKalb County Highway Department must issue an access permit before a commercial use can be established on the Wolfenberger parcel. In weighing such a decision, actions taken by the City Council and County Board to limit commercial

access to Plank Road as part of the Peace Road access agreement of April 1999 have to be honored. That document (see attached) permits only two access points on the north side of Plank Road between IL Rt. 23 and the future connection of Airport Road: one provides the commercial access to the DeKalb Clinic and the other commercial access exists at the east end of the Clinic's property. So long as a residential use continues on the Wolfenberger property, the current residential drive can be used.

Another legal document relevant to the access issue is the annexation agreement of March 1999 between the City of Sycamore and DeKalb Clinic Chartered. In the negotiations leading to that agreement, the City and the County Engineer insisted that the only access to Plank Road from the farm property to the east of the Clinic's property would be through a north/south roadway running along the eastern boundary of the Clinic property. This commercial access aligns with Lowell Drive in the Heron Creek subdivision and is identified in the later Peace Road access agreement. The Clinic is responsible for funding 40% of the cost of that roadway and the adjacent propertyowner is responsible for funding 60% of the roadway when it is eventually constructed.

The DeKalb Clinic agreement anticipates that if commercial access to the Wolfenberger property is through the east end of the Clinic property an easement effecting such access would have to be granted by the Clinic, which would be in a position to recover some economic benefit for the access. Cross-easements would also be necessary if the Clinic agreed to allow commercial access to the Wolfenberger property through their existing driveway. In the Wolfenberger annexation agreement, the question of commercial access is addressed in paragraph 4, "Development," where it states that the owner "shall be responsible for obtaining all road access permits from the DeKalb County Highway Department prior to establishing a commercial use on said Real Estate."

The Plan Commission reviewed the annexation agreement on July 8 and recommended approval by a vote of 10-0. The Commission was satisfied that the combined administrative oversight provided by the County Engineer and the City Engineer would assure that if a commercial use was introduced at a later date, it would gain access through one of the two designated commercial access points.

City Council approval of the Plan Commission recommendation is requested.

C. Ordinance No. 2002.23--An Ordinance of Annexation for Property Known as 215 Plank Road in DeKalb County, Illinois. First and Second Reading.

If the City Council approves the annexation agreement and rezoning for the property located at 215 Plank Road, the Council is obliged to proceed with the annexation of the property. The Plan Commission recommended the annexation and rezoning by a vote of 10-0.

D. Ordinance No. 2002.24—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to the Petition From Dahlko, LLC for Approval of a Final Plat for Phase 1, Unit Four of the Townsend Woods Subdivision. First and Second Reading.

The attached final plat depicts 72 single-family lots to the east of the retention pond on Mt. Hunger Road. The plat conforms to the preliminary plat approved on March 27, 1996. It should be noted that according to the revised Townsend Woods annexation agreement approved in January, 2002 (Ordinance 2001.64), the approval of this plat will trigger the widening and reconstruction of Mt. Hunger Road eastward from the retention pond to the east end of the Townsend Woods development. Such improvements must be completed within 120 days of the completion of the plat approval. The stretch of Mt. Hunger Road from a point 500 feet east of the intersection with Rt. 23 eastward to the west boundary of this plat must be reconstructed and widened in 2002.

The Plan Commission reviewed the plat at its regular meeting of July 8 and recommended its approval by a vote of 10-0, with the condition that street names for the two cul-de-sacs and the street stub between Lots 181 and 182 must be established on a revised version of the plat prior to recording.

City Council approval of the Plan Commission recommendation is requested.

E. Ordinance No. 2002.25—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to the Petition From Milan Krpan for Approval of the Final Plats of Units Two and Three of the Parkside Estates Planned Unit Development. First and Second Reading.

The annexation agreement for the Parkside Estates planned unit development was approved on July 16, 2001 and the final plat for phase one that depicted 15 lots at the northeast corner of the development was approved on January 21, 2002. According to the terms of the annexation agreement (see the attached excerpt), the developer was obligated to begin the construction of the north/south street connecting the project to Bethany Road no later than the date that the fifteenth building permit is issued for the first phase. Mr. Krpan proposes to begin the north/south road well in advance of that deadline.

Substantial infrastructure improvements (stormwater retention ponds, water and sewer main extensions, etc.) will need to be in place before any roadway is built, so Mr. Krpan has forwarded two final plats to provide a blueprint for how such improvements will be sequenced. Unit Two would bring the underground improvements and the roadway to the connection with the back of Sycamore Park. Unit Three would continue the north/south roadway to Parkside Drive. The annexation agreement did not detail a precise picture of the sequencing. Mr. Krpan is aware of the Council's earlier preference for another way into the Cloverlane subdivisions, without creating a straight raceway to Bethany Road. The two plats attempt to meet the performance standards of the annexation agreement with some practical challenges facing the developer.

The Plan Commission reviewed the two final plats at its regular meeting of July 8. In order to assure that the north/south roadway is completed to Parkside Drive in the foreseeable future, the Commission recommended approval of the two final plats on the condition that a roadway with curb and gutter and at least the first lift of asphalt was completed to Parkside Drive within 36 months, regardless of the number of house permits issued. The Commission also recommended that several street names be changed to avoid confusion during emergency responses (e.g. as with the similarity between Freedom Court and Freedom Circle). These changes can be made administratively under the oversight of the City Engineer prior to the recording of the plats.

City Council approval of the Plan Commission recommendation, with conditions, is requested.

F. Ordinance No. 2002.26—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to the Petition From William Olsen and James W. Yagen for Approval of the Final Plat for the Somonauk Gardens Townhome Project. First and Second Reading.

Messrs. Olsen and Yagen have submitted the final plat for the planned development that was approved by the City Council on January 21, 2002. The development will feature twenty townhomes (5 buildings with 4 units each) on Lot 2 and neighborhood commercial uses on the .32 acre corner parcel identified as Lot 1. Lot 2 will be further divided as townhomes are built for sale in fee simple, and such re-subdivisions would fall to the “plat officer,” if that authority is ultimately established.

During the Council discussion in January, the City Council directed the developer to prepare a final plat that identified the allowable commercial uses. Such uses were to be a short list of the range of uses currently allowed in the “C-1” zoning provisions. The plat enumerates such a short list. At its regular meeting of July 8, the Plan Commission considered reducing the list further, but determined that the list provided by the developer adequately addressed earlier concerns about incompatible commercial uses. The Commission voted 10-0 to recommend the Council’s approval of the plat.

City Council approval of the Plan Commission recommendation is requested.

G. Ordinance No. 2002.27—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to the Petition From William Olsen and James W. Yagen for a Special Use Permit and Subdivision Plat for the property Known as Lot 96 in the Townsend Woods Subdivision to Create Lots 1 & 2 of the Olsen and Yagen Subdivision. First and Second Reading.

Messrs. Olsen and Yagen are also involved in the construction of a duplex on Lot 96 in Phase One, Unit Two of the Townsend Woods subdivision. Until or unless a plat officer is established in the City Code, the re-subdivision of this lot to enable the builder/developers to sell the two units in fee simple requires Plan Commission

review and Council approval. Such matters presently require a plat of subdivision, a common wall agreement and cross easements, and findings of fact.

The attached documents are in order and were reviewed by the Plan Commission on July 8. The Commission voted 10-0 to recommend the Council's approval. City Council approval of the Plan Commission recommendation is requested.

H. Ordinance No. 2002.28—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to the Petition From John L. Castle Builders, LLC to Approve the Final Plat for the Heron Creek Townhouse Development Located at the Northeast Corner of Heron Creek Drive and Charles Waite Street in the City of Sycamore, Illinois. First and Second Reading.

The City Council approved the preliminary plat for Mr. Castle's townhouse development on April 15, 2002. The Commission will recall that the development plan consisted of 7.6 acres and featured 44 units. The area had been annexed and zoned for attached single-family housing in March 1999.

Mr. Castle has returned with a final plat for the entirety of his townhouse development. The plat conforms to city regulations. If the authority for minor plat revisions is established at the administrative level, no further Plan Commission or Council reviews will be necessary in order to convey the individual units in fee simple.

The Plan Commission voted unanimously to approve the attached final plat at its regular meeting of July 8. City Council approval of the Plan Commission recommendation is requested.

12. RESOLUTIONS

A. Resolution No. 413—Authorizing the Mayor to Sign an Agreement Between the City of Sycamore and Shirly Overton Granting an Easement in the City of Sycamore, Illinois.

The attached easement provides a path through the Overton property for the trunk sewer to be constructed by B&B Development later this year. The legal description also accounts for a small land swap between Ms. Overton and the adjoining landowner, Norm Adshade, on the south boundary.

City Council approval is recommended.

13. CONSIDERATIONS

A. Consideration of a Presentation by Don Falls of the Department of Commerce and Community Affairs Highlighting the City's Progress with the Competitive Communities Initiative.

Don Falls, representing the Competitive Communities Initiative Office within the Illinois Department of Commerce and Community Affairs, will be present at the July 15 meeting to acknowledge the city's continuing efforts in behalf of community goals identified in the late 1990's. To accommodate his schedule, the City Administrator

requests moving this item to the top of the Council's agenda, prior to the public hearing.

B. Consideration of a Recommendation from the Plan Commission with Regard to the Request of Lance Klinger to Revise Section 9.03.01 of the Sycamore Zoning Code to Permit the Consumption of Alcoholic Beverages in an Outdoors Area Associated with a Restaurant.

The Plan Commission held a public hearing on Mr. Klinger's petition on July 8. Mr. Klinger is the owner of Ski's Pub at 1001 West State Street in Sycamore. He is interested in constructing a patio on the west side of his building to provide outdoor dining that includes the consumption of alcoholic beverages. Such outdoor liquor sales and consumption are presently prohibited in Sycamore, according to the commercial zoning provisions of the Sycamore Zoning Code (Section 9.03.1). The only exception to this rule is the special one-day permits that can be issued no more than three times a year to licensed liquor establishments. The detailed rules concerning such special events are found in the City Code (Title 3, Chapter 2, Section 3-2-6, D).

During its public hearing, the Commission chose to focus in general on the suggested policy change which would permit the serving of alcoholic beverages in outdoor locations. Commission members acknowledged that there is no universal test of the value of such recreational opportunities for the community. It is ultimately a lifestyle choice—a "community lifestyle" choice. While the Commission generally supported the opportunity for such activities in our community, it recommended unanimously that the Council take care to identify certain specific parameters for such uses. Specifically, the Commission recommended

- That the outdoor consumption of alcoholic beverages should be restricted to licensed restaurants;
- That no alcohol should be served except with food from the restaurant's menu;
- That the hours of operation should be limited to around 9:00 p.m. from Sunday through Thursday and 11:00 p.m. on Friday and Saturday;
- That special attention should be given to the interests of adjoining propertyowners and tenants, especially with regard to noise, debris, etc.;
- That all outdoor dining areas in proximity to a public way should afford adequate pedestrian passageways and should be sufficiently remote from any vehicular traffic to afford maximum safety for the customers as well as the passersby;
- That such outdoor uses should be restricted to either "C-2" Central Business District zoning or "C-3" Highway Business District zoning. There was some disagreement about whether such uses could be allowed in "C-1" Neighborhood Business Districts, but the consensus was behind the restriction to "C-2" and "C-3" areas. This is a topic for further Council review.

The Commission voted 10-0 to recommend Council support for a policy change, with the understanding that the Council would likely refer this matter to the Ordinance Committee for review of the details prior to the drafting of any ordinance changes.

City Council approval of the Plan Commission recommendation is requested.

C. Consideration of a Proposal from Waste Management to Address Concerns About the Types of Approved Refuse Containers.

At the June 17 Council meeting Tom Kleczewski, a municipal market manager for Waste Management, informed the Council that his firm was working on a proposal to address a continuing concern among local residents about what passes as an approved refuse container under the scavenger contract approved on November 5, 2001.

Although most residents are inclined to accept the contract provisions prohibiting the deposit of loose plastic bags on city parkways, many have reacted negatively to recent notifications from WMX drivers indicating that their trash receptacles would not be dumped because they cannot be hooked to the back-saving mechanical arms on the company trucks. Several weeks ago, at numerous neighborhood locations, route drivers stuck notices on a variety of new and old rubber containers larger than the approved size of thirty (30) gallons.

Mr. Kluczewski has proposed the following:

- a) Everyone in town gets a 96-gallon rolling cart. The present contractual rental of \$2 per month is eliminated from the contract. If you already have a rolling cart, you can get a new one or keep the old one.
- b) In addition to the 96-gallon rolling cart homeowners can continue to use 30-gallon containers for extra refuse so long as they can be dumped by WMX trucks.
- c) In exchange, the City extends the following to WMX:
 - A contract extension for three more years, with a cost-of-living increase in each of those years not to exceed 5%. From the City's perspective, this would be an improvement over the current contract which does not contain a cap on the CPI.
 - An additional per-unit fee of 48 cents per month or \$5.76 per year for the balance of the current year. The current cost per unit to the City is \$12.50 per unit per month. This would increase the unit cost to \$12.98 and the base price for calculating the CPI in the following years.

The table below shows the comparable costs of the current contract and the proposed contract revision:

Contract Year	Present Contract	Proposed Contract
January 1, 2002-December 31, 2002	\$12.50/unit/month (same as in the period 1/1/01-12/31/01)	\$12.98/unit/month
January 1, 2003-December 31, 2003	CPI adjustment (no cap)	\$13.48/unit/month
January 1, 2004-December 31, 2004	CPI adjustment (no cap)	\$14.00/unit/month
January 1, 2005-December 31, 2005	CPI adjustment (no cap)	\$14.54/unit/month
January 1, 2006-December 31, 2006	CPI adjustment (no cap)	CPI-U (5% cap)
January 1, 2007-December 31, 2007	CPI adjustment (no cap)	CPI-U (5% cap)
January 1, 2008-December 31, 2008	CPI adjustment (no cap)	CPI-U (5% cap)

Looking behind the proposal, if the City did not pass along the hauler's increased fee per unit to the users, the City would initially see some increased costs. On December 17, 2001 the Council increased the consumer's refuse removal cost to \$10 per month effective January 1, 2002; \$12 per month beginning on January 1, 2003; and \$14 per month beginning on January 1, 2004. If the additional cost per unit was not passed along to the consumer, the City's cost for the 4-month period from September 1, 2002 through December 31, 2002 would increase by \$7,246.08 (.48/unit/month times 3774 units times 4 months). To put it another way, the difference between what the City charges the consumer and what the City pays Waste Management in 2002 would increase from \$2.50 per unit per month to \$2.98 per unit per month. In 2003, that difference would be narrowed to \$1.48 when consumers start to pay \$12 per month. In 2004, the difference would be erased because the user charge per month will be increased to \$14 on January 1, 2004, according to the ordinance approved in December, 2001.

It is difficult to precisely estimate the cost of this proposal to the City since the current contract proposes no cap on the annual cost-of-living increases charged by the hauler, and we do not know how our number of households will increase year by year. Assuming an annual cost-of-living increase of 3% for the balance of the current contract (or until December 31, 2005), and a 3% annual increase in the number of households over the same period, the City's additional costs versus revenues are shown in the table below:

Year	Households	Monthly Fee Income	Current Monthly Cost	City Balance Each Month	Proposed Monthly Cost	City Balance Each Month
2002	3774	\$37,740 (\$10/unit)	\$12.50 x 3774 = \$47,175	-\$9,435	\$12.98 x 3774 =\$48,987	-\$11,247
2003	3887	\$46,644 (\$12/unit)	\$12.88 x 3887 =\$50,065	-\$3,421	\$13.48 x 3887 =\$52,397	-\$5,753
2004	4004	\$56,056 (\$14/unit)	\$13.27 x 4004 =\$53,133	+\$2,923	\$14.00 x 4004 =\$56,056	+\$0.00
2005	4124	?	\$13.67 x 4124 =\$56,375	?	14.54 x 4124 =\$59,963	?

A 3.85% increase in the household fee in 2005 would keep the City in balance under the WMX fee proposal. In 2006, 2007, and 2008 similar increases (up to 5%) would be necessary.

The cost of the WMX proposal can be measured in dollars and in terms of aggravation. The provision of free rolling carts will reduce aggravation and anxiety for those who are wondering if their present non-conforming containers will be dumped after September 1 (the date when the temporary moratorium on stickers ends). Some households that purchased the wrong-sized containers may not be appeased, since they will not recover the cost of those containers.

On the other hand, the proposal for a contract extension with capped annual increases adds a level of predictability from a budgetary standpoint. If we could foretell the annual inflation rate in 2006, 2007 and 2008 we could estimate the value of this greater predictability, and measure it against the City's additional cost in the period 2002-2005. Any additional cost in the short run assumes that no fee increases are imposed until the three-year cycle of increases is completed in 2004.

In the end, the dollar differences may matter less than the non-economic and aesthetic concerns addressed by the free delivery and use of the carts. If we stand by the letter of the current contract the City will be obliged to enforce restrictions on the size and weight of new and existing containers. We learned several weeks ago what that will mean in terms of the volume of complaints. Both parties have been searching for a solution that removes the issue of "what" containers are acceptable. New rolling carts throughout our neighborhoods would do this and would enhance the appearance of neighborhoods as well as the convenience of most residents, as we learned in the pilot study in the Fourth Ward last year.

City Council direction is recommended.

D. Consideration of a Public Works Department Recommendation to Award a Contract for a Medium Duty Plow Truck, Plow, and Spreader.

Among the list of vehicles and equipment identified for funding by the 2002 Bond Fund was a dump truck and spreader for the Public Works Department. Bids were solicited by assistant superintendent Bob Ray in late June and opened on July 8. The attached memoranda summarize the bids.

As expected, the dealer—Prairie International--that offered pricing from the state purchasing list provided the lowest responsible bid for the truck cab and body. The Street Division specifies the Bonnell-brand of plow and hitch to maintain consistency across all plow trucks for ease of operation. With the Bonnell plow, mount and spreader the total cost of the truck package through Prairie International would be \$69,510. The provisional budget for this item was \$66,000. However, the bucket truck purchase approved by the Council on June 17 was substantially less expensive than anticipated and the savings (about \$9,000) will more than offset the additional cost of the truck package.

City Council approval of the Prairie International bid is recommended.

E. Consideration of an Administration Recommendation for a Closed Session to Discuss Personnel Matters and Land Acquisition.

14. APPOINTMENTS

15. ADJOURNMENT

