

**SYCAMORE CITY COUNCIL**  
**AGENDA**  
September 3, 2002

**City Council Workshop Meeting**

No Meeting is Scheduled.

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**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 August 19, 2002;
  - B. Payment of the Bills for September 3, 2002.
7. **PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.**
  - A. Introduction of New Paid-on-Call Firefighters Rhonda Overton, Ann Carlson, and Greg Schwartz.
  - B. Proclamation Declaring Saturday, September 14, "Welcome Home Day" in the City of Sycamore for C Battery, 2<sup>nd</sup> Battalion, 122<sup>nd</sup> Field Artillery of the Illinois National Guard.
8. **REPORTS OF OFFICERS**
9. **REPORTS OF STANDING COMMITTEES**
10. **PUBLIC HEARINGS--None**
11. **ORDINANCES--None**

## 12. RESOLUTIONS--None

## 13. CONSIDERATIONS

### A. Consideration of an Administration Request for Clarification on Ordinance No. 2002.33.

There is some uncertainty on the staff level about how Ordinance No. 2002.33 (attached) is to be enforced by the Police department, the Fire department, and the Building department, so the City Administrator would appreciate some clarification from the Mayor and Council. The principal focus of the Ordinance Committee and much of the ensuing Council debate was the prerequisites for outdoor liquor service. These conditions included the following:

- ◆ From a zoning standpoint, the outdoor consumption of alcoholic beverages is restricted to “C-2” and “C-3” zoning districts.
- ◆ A new license classification is not required to sell alcoholic beverages out of doors. However, an annual application must be made to the Liquor Commissioner. For the first year, the application must be accompanied by a fee of \$200; in succeeding years the annual fee will be \$100. A fee of \$200 is assessed for applications that accompany new licenses.
- ◆ The Liquor Commissioner has the ability to approve or deny applications for the outdoor consumption of alcoholic beverages subject to certain provisions concerning the enclosure of the outside area, limitations on hours, expectations for music, etc.

Here is the rub: the ordinance has been interpreted as giving the Liquor Commissioner the authority to deny applications even if these conditions are met. Others interpret the ordinance differently and see the approval of an outdoor application as an obligation if the enumerated conditions are satisfied.

The City Administrator has been very reluctant to get actively involved in the public debate over the establishment of outdoor cafes since the sale and consumption of alcoholic beverages is a policy area that does not directly involve the Administrator, except with respect to his accountability for appointed officials who may have an enforcement responsibility in this area of public concern. With sincere respect for all points of view on this question, it may be that someone had it right several weeks ago when it was stated that in other communities that have permitted the outdoor consumption of alcoholic beverages it is understood that the menu moves out of doors. Practically speaking, a requirement that people order from a menu might satisfy the concerns of all involved. No one is proposing to dictate what people eat, or how much. Menus would presumably show a beverage section as well as appetizers and full meals. Depending on the time of day as well as customer preferences, some might order soft drinks or coffee; others might order an alcoholic beverage. If the proprietors and their wait staff hand menus to their customers as they take their seats outside, they will encourage a food order in the outside environment, whether it is an

appetizer or a more substantial meal, at some point in the customers' stay. In a responsible establishment, there is no more likelihood that the customer will drink to excess inside or outside, and the use of a menu will encourage interest in food as well as drink.

City Council direction is requested.

**B. Consideration of a Public Works Department Recommendation to Hire a Replacement Laborer and One New Laborer.**

Laborer Fred Ruthe has announced his intention to resign, effective December 10, 2002. Mr. Ruthe has served the City of Sycamore for twenty years and intends to retire to spend time with his wife. City Council authorization to begin the process for replacing Mr. Ruthe is recommended in order to assure that a replacement will be available in a timely manner.

Further, the City Administrator recommends that the Council consider the hiring of an additional laborer with the money for such a position provided by the Sewer Fund, as opposed to the General Fund. The need for such a position has been proposed by Public Works Superintendent Fred Busse. A summary of his position is attached in the form of a memorandum. Since the creation of the Public Works department in May of 2001, the combined Treatment Plant and Street divisions have performed a steadily increasing level of service with one fewer person than before the department was created. This was by design. The Administrator recommended the freezing of one position until the presumed efficiencies of the merger could be realized, and a better assessment could be made of staffing needs. Over the past sixteen months, as Mr. Busse writes in his attached memorandum, an unparalleled coordination and sharing of personnel and equipment has occurred in the maintenance of our public works. This has especially been the case with the sewer collection system, aided by the use of the Vactor truck, a new televising system for underground piping, and the enhanced training of all the department's laborers in system maintenance. A more flexible and creative use of our Public Works staff has also allowed expanded maintenance in the downtown area, in the repair and maintenance of streets and storm sewers, and in expanded mowing duties around our regional retention pond and road ditches. However, notwithstanding these efficiencies, the growth of the City and our heightened commitment to maintenance have stretched our ability to perform routine annual tasks in a timely fashion.

Superintendent Busse has proposed the hiring of a new laborer at the same time as the City searches for Mr. Ruthe's replacement. The funding for such a hire is not available in the General Fund. However, there is funding available in the Treatment Plant budget under the line item "Sanitary Sewer System Improvements" (752-8633). This line item was established in May 1999 to finance improvements to the collection system. It was originally intended to pay for piping and appurtenances that our crews would install to correct problems in the system, or for contractual work performed by local contractors to correct such deficiencies. Such financing was only possible because of the three-year package of increases in sewer user fees that was

implemented in the spring of 1999 and which continued through the spring of 2002. Mr. Busse's proposal meets the intent of these increases by improving our ability to make the improvements envisioned by such increases. In the final analysis, system improvements have to be made with our employees or those of local contractors, and it would be cheaper for trained City crews to continue to make these improvements with the new equipment that the Council has authorized in recent years. The only question is: what will it take to continue the advances made since May 2001? Mr. Busse's answer is to hire one more laborer. The City Administrator concurs.

City Council authorization is recommended.

**C. Consideration of an Administration Recommendation for Direction  
Regarding a Recent Proposal from Verizon.**

In mid-August, Verizon's financial services division in Irving, Texas, informed the City of Sycamore that it was entitled to a back payment for charges associated with municipal business lines (see the attached letter from LaShawna Estis). Verizon correctly noted that according to the City's franchise agreement, the City was entitled to "free service" on twenty-five (25) "business access lines." Such free service did not include long distance or toll charges, taxes, or surcharges. The franchise, which was entered in 1990 and continues until 2010, permits the City to install new access lines at locations of its choosing, and free service shall follow provided the City notifies the company on its standard forms. The franchise was originally struck with Contel, then was assigned to GTE. In April, 2000 the franchise moved to Verizon after the merger of GTE and Bell Atlantic.

Verizon has calculated a "refund" of \$21,649.44. This does not necessarily reflect a "credit" of all City expenses for such line usage, but represents the company's only and final offer short of litigation. It calculated this number by multiplying its present business access line rate of \$17.02 per month times 120 months or ten years, which conforms with the statute of limitations for contracts in Illinois. If the Council accepts this offer, the receipt of a check for \$21,649.44 will provide restitution for the lack of free service to have been provided by Verizon and its corporate antecedents. City Council direction is requested.

Council direction is also needed regarding how the City and the telephone service provider will remain in compliance with the franchise until 2010. Verizon reportedly serves over 150 municipalities and is hoping to reduce what it calls "concession agreements" within its existing franchises (see the attached letter from Mark Scovic of Verizon). The firm has offered to pay the City a quarterly payment at whatever basic business line rate is in effect for the balance of the franchise. This would reduce its cost of monitoring compliance with its franchises, and the cost of managing an inventory of business lines that may change periodically. Verizon understands that the City may not be impressed by the company's cost-reduction strategy, and could simply ask to retain its "concession" of free service. In such a scenario, the City would be obligated to keep the company informed of the business lines it would

dedicate for such a concession—a practice that the City has not routinely attended to in the past.

In a related matter, recent Illinois law permits municipalities to impose a Simplified Municipal Telecommunications Tax of up to 6%. This enactment combined prior statutory authority to impose up to a 5% utility tax on in-state telephone calls and a 1% telecommunications tax on wireless service. The City of Sycamore does not impose any utility taxes at present. If the City opted to tax land-based and wireless services, it would no longer receive its franchise “concession.” The City has until September 30 to notify the Illinois Department of Revenue that it has approved an ordinance establishing a simplified tax of up to 6%.

Recommendation:

- a) Accept the Verizon refund offer of \$21,649.44 for the period 1992 through 2002.
- b) Consider one of two options for the future: (1) the imposition of a Simplified Telecommunication Tax of 1%, which would more than cover the free business line allowance in the Verizon franchise; or (2) accept the “concession” of a flat monthly fee for up to 25 business lines at the effective business rate per line, which would effectively adhere to the terms of the franchise by reimbursing the City on a quarterly basis for its basic business line charges.

City Council direction is requested.

#### **D. Consideration of a Report from the City Administrator Concerning Local Efforts to Address the West Nile Virus.**

On Monday, August 26, the City Administrator, Public Works Superintendent, and Assistant Superintendent of the Street Division attended a class jointly provided by the Illinois Department of Public Health (IDPH) and the DeKalb County Health Department. The purpose of the class was to acquaint local municipalities with ways to reduce the public health threat posed by the West Nile Virus. In addition to background information about the virus, the presenters instructed the participants in the application of larvicides.

As the local and national media have reported, West Nile Virus has rapidly spread across the country this summer. It is most aggressively borne by birds and mosquitoes. Apparently all birds have the virus, but crows and jays are most vulnerable because they do not have antibodies to combat the strain. Contrary to earlier reports, one can contract the virus by handling dead birds; the first reported instance of human infection in Illinois involved a public health worker who had been handling dead birds for testing purposes. However, the most likely means of transmission is the bite of a Culex mosquito. Such mosquitoes typically reside underneath the limbs, leaves, or needles of shrubbery near our homes. They are opportunists: they thrive on quick bites from humans as they move around their houses. In such settings, they are not buffeted by breezes or exposed to prey (e.g.

birds and bats). Hence, it is understandable that the emphasis of public health professionals has been on personal protection such as avoiding planting areas between dusk and dawn when mosquitoes are more prone to stir; wearing long sleeves and pants when working in gardens; using DEET at 20% to 30% concentrations per manufacturer labels; and avoiding standing or brackish water.

Because the principal culprit lives underneath limbs and branches, spraying is not an effective means of control. The IDPH and the Health department recommend the application of larvicides to standing water in catch basins or marshy areas where *Culex* mosquitoes hatch every 5 days. The City of Sycamore has about 1100 catch basins and received enough larvicide briquets on Monday through the Public Health department to make one application. These briquets have a 30-day life, and their chemicals reduce the mosquito population by hardening the shell of the larva and preventing them from maturing to the pupa and adult stages. Other types of larvicides are available that kill the larva by introducing deadly bacteria into the larva before they hatch. Either type is available through Midwestern suppliers but only the former were in sufficient supply for distribution this week. As a result of the afternoon seminar, those in attendance were temporarily licensed to apply the briquets under an emergency dispensation approved by the state legislature. After this fall, the IDPH will require more detailed instruction prior to licensing.

Will this year's treatments eradicate the virus threat? Unfortunately, no. Birds that linger in our area through the winter will carry the virus. Additionally, because the female mosquitoes, once infected, can pass the virus to their eggs and the resulting larva will be infected, there is almost no chance that the virus can be fully eradicated. We are apparently going to have to deal with this problem indefinitely. Public health experts are now urging municipalities to plan on a consistent system of periodic larvicide application beginning each April and continuing through the fall. This will require a commitment to annual licensing and a line item in the Street Division budget for larvicide application. Each briquet costs about 70 cents and one would likely be sufficient in each catch basin every thirty days.

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

**14. APPOINTMENTS**

**15. ADJOURNMENT**