

SYCAMORE CITY COUNCIL

AGENDA

August 4, 2003

City Council Committee Meetings
No Meetings Are Scheduled

Regular City Council Meeting
At the Sycamore Center
7:00 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 for the City Council Workshop Meeting of July 21, 2003;
 - B. Approval of the Minutes for the Regular City Council Meeting of July 21, 2003;
 - C. Payment of the Bills for August 4, 2003;
 - D. Zoning Board of Appeals Minutes for the Meeting of March 25, 2003.
7. **PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.**
8. **REPORTS OF OFFICERS**
9. **REPORTS OF STANDING COMMITTEES**
10. **PUBLIC HEARINGS--None**
11. **ORDINANCES**
 - A. **Ordinance No. 2003.36—An Ordinance Requiring Developers of Residential Land Uses to Notify Potential Purchasers of Nearby Farming Operations. First and Second Reading.**

At the July 21 Council meeting, the City Manager recommended that the Council consider putting some modest language in all future annexation agreements that requires residential developers to notify all lot purchasers of nearby farm operations. Such a local enactment would not expose the City to any liability, and would encourage a more careful review of the subdivision's neighbors. This may seem unnecessary, but it is not unusual for buyers to ignore a variety of circumstances outside the lot lines (e.g. high voltage poles, airport flight paths, animal barns, etc.).

Sycamore's recent residential growth in the direction of active farms has raised anxiety among farm families that may not be appreciated by nearby urban neighbors. Frankly put, these families are concerned that the routine operations of their farms, livelihoods that pre-dated the new residences by years or decades or even generations, will appear to be nuisances to their neighbors, and that the same neighbors may legally challenge their ability to continue their operations. The Illinois legislature recently enacted law—the Illinois Farm Nuisance Suit Act—that generally defines the difference between routine farm operations and activities that might reasonably be considered negligent or improper. Over time, the Illinois courts will probably refine the definitions of “negligent” and “improper.” For the present, the language in the state enactment will provide reasonable notice and its reference in any future annexation agreements will serve to insure that legitimate farm operations are not hampered by nuisance suits.

City Council approval is recommended.

B. Ordinance No. 2003.37—An Ordinance Declaring Wednesday, October 22, 2003 Through Sunday, October 26, 2003 as Pumpkin Festival in the City of Sycamore, Illinois. First and Second Reading.

Ordinances 2003.37, 2003.38, 2003.39 and 2003.40 can be taken in omnibus fashion. These resolutions officially accomplish the following:

- establish the dates for the annual Pumpkin Festival;
- seek IDOT's approval for the Road Run and parade; and
- authorize the use of Lot #1 for the carnival.

City Council approval is recommended.

C. Ordinance No. 2003.38—An Ordinance Requesting Permission of the Illinois Department of Transportation to Close Illinois Route 64 from Sabin Street to Somonauk Street Between 9:00 A.M. and 10:00 A.M. on Sunday, October 26, 2003 for the “Road Run” as Part of Pumpkin Festival in the City of Sycamore, Illinois. First and Second Reading.

See Ordinance 2003.37, above.

D. Ordinance No. 2003.39—An Ordinance Requesting Permission of the Illinois Department of Transportation to Close Illinois Route 64 from Governor Street to Sacramento Street from 12:00 Noon Until 5:00 P.M. on October 26, 2003 to Allow for the Pumpkin Festival Parade in the City of Sycamore, Illinois. First and Second Reading.

See Ordinance 2003.37, above.

E. Ordinance No. 2003.40—An Ordinance Authorizing the Use of the City’s Parking Lot No. 1 at the Corner of Sacramento Street and State Street for a Carnival to be Held from Thursday, October 23, 2003 Through Sunday, October 26, 2003. First and Second Reading.

See Ordinance No. 2003.37, above.

F. Ordinance No. 2003.41—An Ordinance Concerning the Recommendation of the Zoning Board of Appeals In Regard to the Petition of Glenn M. Theriault at 1790 Briggs Street For a Variance from Chapter 9, Section 9-7-3B of the City Code of the City of Sycamore, Illinois. First and Second Reading.

The Zoning Board of Appeals held a public hearing on Tuesday, July 22, regarding a petition from Glenn and Jennifer Theriault, requesting the ability to erect a front yard fence with a height of about one foot in excess of the allowed maximum height of three feet. The Theriaults live on a corner lot, and mistakenly erected their picket fence at about a 4-foot height in the corner side yard (see the attached photocopies).

As Zoning Officer Lyle Doty writes in the attached memorandum, the Board determined that none of the standards of hardship could be met and voted unanimously to deny the variance request. The Board reasoned that the plight of the owner was self-inflicted, that is, it was owing to an ignorance of the existing codes (the fence was built without a permit). It was also determined that the property could yield a reasonable return with or without the fence, and that the variation, if granted, would alter the visual character of the neighborhood.

City Council approval of the Zoning Board’s ruling is recommended.

12. RESOLUTIONS

A. Resolution No. 439—Authorizing the Mayor to Sign an Easement Agreement Between the City of Sycamore and Roy T. and Joan R. Fenstermaker for Roadway and Utility Purposes (Including Water Main) in the City of Sycamore, Illinois.

The attached resolution has several purposes. In the short run, it provides a path for the water main that is being extended along the north side of Bethany Road, between the Reston Ponds development and the Parkside Estates development. It also provides a permanent path for eventual roadway and other utility improvements along the Bethany Road corridor. There is also a provision for crop damage that may result from the water main work on the land that is being farmed between these developments.

City Council approval is recommended.

13. CONSIDERATIONS

A. Consideration of a Presentation by Ken Blood and Jerry Boose of B&B Development, Inc. Concerning the Status of Their Development Work in the Community and Their Interest in Further Development.

At the last regular meeting of the City Council on July 21, the Council heard a proposal from Ken Blood and Pat Griffin of B&B Development, Ltd, that mixed a vision for the residential development of about 650 acres on the City's northeast side with a package of new developmental exactions. Their expressed purpose was to ascertain whether the Council would be willing to consider a large development on the heels of a close Council vote on a nearby residential annexation and, if so, whether the Council would be willing (a) to "raise the bar" on its notions of sufficient development fees and dedications and (b) take a global approach to the future development of the northeast side or wade through a series of smaller development proposals from multiple development firms. Mr. Blood was candid: the additional developmental exactions he proposed were consistent with his firm's notion of a fair partnership with the annexing authority. The implicit question was: would the City expect the same from others to establish a uniformly high standard for future annexations.

Specifically, B&B Development proposed the following:

- 1) No development in the new 650 acres until B&B Development had completed the Heron Creek and Sycamore Creek projects. This would place the first permits in about 2010, after most of the inventory of platted but unbuilt single family homes on annexed property within the present City limits would be built (see the attached chart).
- 2) Conformance with the recently-adopted regulation regarding the pace of permits;
- 3) Dedication of a 22-acre school site to the School District with no expectation of a credit for the value of the land dedicated, as provided in the School land-cash ordinance.
- 4) Dedication of a 33-acre park and lake to the Park District with no expectation of a credit for the value of the land dedicated, as provided in the Park land-cash ordinance.
- 5) Payment of all impact fees, as they may be revised from time to time;
- 6) An additional payment, per lot, to both the City and the School District to help with operational costs that cannot be paid from impact fees. This fee would be negotiable. The attached spreadsheets show various possibilities and their influence on the overall fiscal impact of the proposed project area.
- 7) Construction of a new City entrance feature at the northeast edge of the development area at the developer's expense.
- 8) Maintenance of a low density in the range of about 1.7 units per acre.

From a planning standpoint, the most intriguing aspect of this plan is the ability to assure that much of the planning area on the northeast side would be developed with all of the amenities and at the pace envisioned in the 2003 Comprehensive Plan. From a fiscal standpoint, the most interesting prospect is a plan that would, in effect, pay for itself.

The City Manager recommends the referral of this matter to the Plan Commission for detailed review and analysis. Both Ken Blood and Jerry Boose of B&B Development will be on hand for the Council's discussion.

B. Consideration of an Administration Report on Various Options for Funding Certain FY04 Capital Projects.

At the last regular Council meeting of July 21, the City Manager suggested that the Council should consider funding the extension of Oakland Drive as part of the 2003 general obligation bond offering. In the spring of this year, the Council authorized the funding of a \$250,000 sidewalk replacement and repair program, along with the purchase of a \$250,000 fire engine to replace the 1979 engine. The estimated cost of the 1,955-foot Oakland Drive extension, which would involve the construction of the roadway, curb and gutter, sidewalk, utilities, street lighting and top soil and seeding, is \$750,000.

The City Manager is pleased to report that the trial fund balances recently received from our auditor, Clifton Gunderson, indicate that the reserve in the General Fund on April 30, 2003 will be \$3,015,382 which is \$254,886 higher than we expected when the budget was prepared in March. Much of this increase can be attributed to annexation fee revenues that were paid during the “grace” period associated with the imposition of a higher, \$3,000 per acre fee. This additional revenue presents the Council with an opportunity to extend its reach without stretching its debt service capacity while interest rates remain favorable. The City Manager recommends the following:

- a) Using \$250,000 of the FY03 surplus for the purchase of a new fire engine.
- b) Borrowing \$1 million to be repaid from the Capital Assistance Fund over a 15-year term. Of this amount, \$250,000 would be allocated for sidewalk repairs and \$750,000 would be allocated for the completion of the Oakland Drive extension. At this writing, the long bond rates are surging higher and have passed 4.25 percent, which is about 100 basis points above where they were two months ago. Still, it would be possible to arrive at a level debt service for a 15-year term of just under \$100,000 if action is taken soon.

If the Council concurs, the City Manager can work out the details and return to the Council at either the last meeting in August or the first meeting in September. During this interim, the City Manager would attempt to meet with representatives of Moody’s Investors Service in Chicago to urge an upgrade in the City’s bond rating.

The positive impacts of the sidewalk program and fire engine were addressed in previous Council meetings. The benefit of joining Oakland Drive’s east terminus at Peace Road with the extension behind the Kmart site has also been noted. The latter has the promise of opening significant, industrially-zoned acreage that is presently within the Thanks America subdivision to industrial investment. It will also enhance the interest of retail developers in the Kmart shopping center. Such infrastructure improvements are frequently cited by site selection specialists as a competitive economic advantage. Thanks to the prudent management of its financial affairs, the City can invest in the future without compromising its fiscal present.

City Council direction is recommended.

C. Consideration of a Recommendation from the City Engineer Regarding Bids for the Reconstruction of Home and Walnut Streets.

On Friday, August 1, at 2:00 p.m. the City Engineer will receive, open, and record bids for the reconstruction of Home Street and Walnut Street. The City Engineer will report the results and make a recommendation for the Council's review and action at the meeting on August 4. The project estimate is \$826,862.

D. Consideration of a Recommendation from the City Engineer Regarding Bids for the Drilling of the New Well #9.

On Tuesday, July 29, at 10:00 a.m., City Engineer John Brady held a bid opening for the drilling contract for the new Well #9 on Airport Road. The project estimate was \$485,750.

Only one bidder responded: Layne-Western of Aurora, Illinois. The firm's bid was \$407,246. The firm also submitted unit prices for various tasks that may or may not be necessary due to unforeseen circumstances during the project. These prices (see attached) would likely bring the project in under budget except in the case of extraordinary and unexpected conditions. Additionally, the firm understands the need for extreme sensitivity to Park District operations during the drilling project.

City Council approval of the City Engineer's recommendation to award the contract to Layne-Western is requested.

E. Consideration of a Recommendation from the City Engineer Regarding Bids for the Installation of New Water Main, Sanitary Sewer Main, and Storm Water Main Extensions Serving Well #9.

On Monday, August 4, at 10:00 a.m. the City Engineer will receive, open, and record bids for the extension of water main, sanitary sewer main, and storm sewer main to the new Well #9. The City Engineer will report the results and make a recommendation for the Council's review and action at the meeting on August 4. The project estimate is \$462,852.

F. Consideration of an Administration Request for a Closed Session to Discuss Personnel Matters.

14. APPOINTMENTS

15. ADJOURNMENT