
**SYCAMORE CITY COUNCIL – REGULAR MEETING
MINUTES OF APRIL 7, 2003**

ROLL CALL

Mayor John Swedberg called the meeting to order and Clerk Candy Smith called the roll. Those Alderpersons present were: Alan Bauer, Pam Blickem, Andrew Larson, Barbara Leach, Cheryl Maness, Pete Paulsen, and Janice Tripp. Alderperson Chuck Stowe was absent.

INVOCATION

Pastor Mike Massey of Glad Tidings Assembly of God gave the invocation.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Mayor Swedberg added a Closed Session to discuss personnel matters to the agenda.

Motion

Alderperson Larson moved to approve the agenda with the addition and Alderperson Tripp seconded the motion.

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. All Alderpersons present voted aye. Motion carried 7 - 0.

SWEARING-IN OF NEWLY ELECTED OFFICIALS

City Clerk Candy Smith swore in newly elected Alderpersons Cheryl Maness, Barbara Leach and Terry Kessler.

Mayor Swedberg presented outgoing Alderperson Pam Blickem with a plaque of appreciation and thanked her for her service to the City. Alderperson Blickem said Sycamore was fortunate to have such a good Council and wished them luck.

ROLL CALL OF NEWLY ELECTED CITY COUNCIL

Mayor John Swedberg called for roll call of the newly elected Council and Clerk Candy Smith called the roll. Those Alderpersons present were: Alan Bauer, Terry Kessler, Andrew Larson, Barbara Leach, Cheryl Maness, Pete Paulsen, and Janice Tripp. Alderperson Chuck Stowe was absent.

AUDIENCE TO VISITORS

None

CONSENT AGENDA

- A. Approval of the Minutes of the Regular City Council Meeting of March 17, 2003;
- B. Approval of the Minutes of Closed Session Meetings of the City Council for October 21, 2002; November 18, 2002; December 2, 2002; and January 20, 2003;

- C. Zoning Board of Appeals Minutes for the Meeting of January 28, 2003;
- D. Payment of the Bills for April 7, 2003 in the amount of \$742,708.59.

Motion

Aldersperson Bauer moved to approve the Consent Agenda and Aldersperson Maness seconded the motion.

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. All Alderspersons present voted aye. Motion carried 7 - 0.

PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.

- A. Recognition of the City of Sycamore's Water Department by the Illinois Department of Public Health for a high degree of compliance with the state's fluoridation regulations.

Administrator Nicklas congratulated Water Superintendent Ebe Smith and his department for exceeding expectations of the Illinois Department of Public Health for fluoride regulations. Superintendent Smith said the tests were run daily and sent to the Department of Public Health monthly and his department had received this recognition 8 of the last 10 years.

- B. Proclamation Declaring the Results of the April 1, 2003 Referendum to Adopt the Managerial Form of Government and to Retain the Election of Aldermen by Wards.

Mayor Swedberg explained that this proclamation was needed to satisfy state requirements to certify the referendum questions.

REPORT OF OFFICERS

Administrator – Bill Nicklas applauded the efforts of the Mayor and the Ad Hoc Committee in promoting the Manager/Council form of government and congratulated them for the passing of the referendum and said at the next meeting they would pass an ordinance codifying the Managerial form of Government for the City.

Engineer – John Brady - no report

Building & Zoning –Lyle Doty – no report

Treasurer – Ken Mundy – no report

Fire Chief – Bill Riddle – no report

Police Chief – Don Thomas reported the transition of the 911 Center to the County had been in place for a week and was working well. Chief Thomas said the Police Department Office would be open Monday through Friday 8:00 a.m. to 5:00 p.m. He said DeKalb County Lt. Al Newby and Sycamore Lt. Cary Singer did the bulk of work to make the transition run smoothly. Chief Thomas reported Officer Mark Paul had been placed on administrative leave following an incident in Florida regarding unlawful display of a firearm and DUI. Chief Thomas said Officer Paul would not return to work until internal investigation was completed and the Fire & Police Commission held a hearing. Chief Thomas also reported improvements to the Police Department web page.

Public Works Supt. – Fred Busse thanked Lt. Singer for helping Public Works with the transition of the 911 Dispatch Center to the County.

Water Supt. – Ebe Smith – no report

Aldersperson Tripp reported she had received complaints about the DeKalb Chronicle weekly being thrown in the yards and streets. She said she also received concerns about parking on Donlin Court by Ski's customers and suggested no parking after 8:00 p.m. Mr. Nicklas asked Chief Thomas to address that issue. Aldersperson Tripp also received communication regarding people parking the wrong way on the curbless streets of Wild, Commercial, Vance, and Kerr. Mayor Swedberg said the weekly paper problem had been addressed last year by having a newspaper employee gather the papers not picked up by customers. Mayor Swedberg asked the reporter in the audience to remind his newspaper to retrieve the papers. Mr. Nicklas said the parking in Turner Addition would be addressed.

Aldersperson Maness suggested talking to the County about extending the bike path along Peace Road from Bethany to Route 23 while they were working on it.

Aldersperson Leach inquired if there was a street sign replacement schedule and suggested some of the signs in Electric Park were worn out and needed replaced.

Aldersperson Paulsen said he had notice cars parking on both sides of California Street near the new Community Center.

REPORT OF STANDING COMMITTEES

Finance – Alan Bauer said the Public Hearing for the Budget was on the agenda.

Ordinance – Chairperson Cheryl Maness reported ordinances were on the agenda.

Police & Fire - no report

Sewer & Water – no report

Streets & Walks –no report

PUBLIC HEARING

A. Public Hearing on the FY2003-2004 City Budget.

Administrator Nicklas said the budget was proposed to Council March 24 and had been available to the community since then. He said he had not received any questions since the Finance Committee review. Mr. Nicklas said this was the opportunity for the audience to question how the City spends the money.

With no audience participation, Mayor Swedberg closed the hearing.

ORDINANCES

A. Ordinance No. 2002.73—An Ordinance Amending Title 8, “Water and Sewer,” Chapter 4, “Sewer Use and Service,” Section 8-4-2, “Additional City Fees,” Paragraphs F(2) and F(3) of the City Code of the City of Sycamore, Illinois. Second Reading.

Administrator Nicklas explained this ordinance would put into place a tiered fee system for annexation fees as follows:

- \$2,000 per-acre fee for industrial and commercial subdivisions
- Residential subdivision option of per-acre fee at time of final platting that allows for deduction of retention and park/school dedications; or per-unit fee of \$1,000 at time of final platting
- \$1,000 per-acre fee for those subdivisions already annexed if paid within six month of enacted ordinance

Motion

Aldersperson Larson moved to approve Ordinance 2002.73 and Aldersperson Maness seconded the motion.

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. All Alderspersons present voted aye. Motion carried 7 - 0.

B. Ordinance No. 2002.78—An Ordinance Amending Title 10, “Subdivision Regulations,” Chapter 5, “Subdivision Administration and Enforcement,” Section 10-5-4, “Payment of Fees on Annexation, Planned Unit Development, or Subdivision,” Paragraph B of the City Code of the City of Sycamore, Second Reading.

Administrator Nicklas explained this ordinance would impose a non-refundable \$350 deposit to cover review of subdivision or planned development assessed in addition to Plan Commission filing fee. He said the deposit would become a credit to be deducted from the final engineering review fee if the subdivision or P.U.D. was approved. Mr. Nicklas said a 2.5% engineering plan review and inspection fee would be charged to approved developments.

Motion

Aldersperson Maness moved to approve Ordinance 2002.78 and Aldersperson Larson seconded the motion.

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. All Alderspersons present voted aye. Motion carried 7 - 0.

C. Ordinance No. 2002.86—An Ordinance Amending Title 3, “Business and License Regulations,” Chapter 3, “Liquor Control,” Sections 3-2-1, “Definitions,” 3-2-6, “Classification of Licenses; Fees; Hours; and Days,” and 3-2-7, “Number of Licenses” of the City Code of the City of Sycamore, Illinois. First and Second Reading.

Administrator Nicklas said a lot of time had been spent by the Ordinance Committee and Ad Hoc Committee to improve the liquor license classifications to be more relevant to present times. Mr. Nicklas listed the changes as follows:

- ◆ There are no more liquor licenses for convenience or food & fuel stores.

- ◆ The general level of license renewal fees increases by 50% (from \$1,000 in most cases to \$1,500).
- ◆ An additional license fee of \$250 is charged for clubs and bars that wish to sell package goods.
- ◆ Restaurants are no longer permitted to sell package goods.
- ◆ Restaurants are re-defined so as to prohibit liquor sales from fast food outlets and to reduce the prospect of newer, small restaurants becoming de facto bars.
- ◆ An initial license fee of \$2,500 is imposed on new entrants to the local liquor industry with a gross floor area of less than 3,000 square feet. Applicants whose space will comprise more than 3,000 square feet will be expected to pay an initial license fee of \$5,000. This is a response to the concern about the proliferation of restaurant licenses, in particular, but would apply to any and all license classifications. The three restaurants looking for full liquor licenses—Michael's, La ZaZa, and TAXCO—would not have to pay this additional fee since they already hold licenses.
- ◆ Population limits are maintained for bars and package stores. However, a supermajority of three-fourths of the corporate authorities (the Mayor and the Council combined) may suspend the proration on a case-by-case basis. In effect, the market will dictate the number of restaurants but, to a lesser extent, the number of bars and package stores because of the legislated constraints on numbers.
- ◆ A threshold for the sale of liquor for consumption on premises is established for bars to keep them from becoming de facto package stores. If an existing licensee (e.g. Cub & Spanks) does not conform to this threshold, it may nevertheless continue to operate in a "grandfathered" fashion.
- ◆ The present number of bars will need to be established to nail down the threshold for further bar licenses. Because of the re-classification of licenses, some current restaurants may want to be considered bars, and vice-versa. The point is to establish a number after the new license designations have been established, and move on. The City Clerk has mailed new license applications to all eligible current license holders so they can indicate whether they want to be "restaurants" or "bars." Again, only bars can sell package goods.
- ◆ An additional bowling alley license is made available. The annual license fee for bowling alleys is \$1,750.

Mr. Nicklas explained that two issues arose since the last meeting - the restaurant license with no rail or stools at a serving bar and an existing establishment having a unique setup of wines for sale. Mr. Nicklas said he had used language to grandfather the restaurant currently selling wine.

Aldersperson Maness asked for clarification regarding the serving bar in those restaurants with fewer than 100 seating capacity. Ms. Maness asked if the ordinance allowed a service bar to service waiting tables and dining tables for restaurants under 100 seats. Mr. Nicklas said that the ordinance could be interpreted that way. Ms. Maness asked if the language should be changed to specify that and Mr. Nicklas said he thought the interpretation was there and the minutes would reflect that. Attorney Smith said waiting tables were not a bar and Mayor Swedberg said the intent was not to stand at the bar. Mayor Swedberg asked if there was room at the bar for extra tables, why not put in more dining tables. Mr. Nicklas said he presumed the proprietor needed room for people waiting to be seated.

Motion

Aldersperson Maness moved to hear Ordinance 2002.86 on first and second reading and Aldersperson Tripp seconded the motion.

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. All Alderspersons present voted aye. Motion carried 7 - 0.

Motion

Aldersperson Maness moved to approve Ordinance 2002.86 and Aldersperson Larson seconded the motion.

Aldersperson Bauer said a lot of businesses were grandfathered and wondered if those businesses changed hands would the grandfathering go with it. Attorney Smith said they would as long as the businesses would be run the same. He said it was not address limited, but the configuration would be determined by physical location.

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. All Alderspersons present voted aye. Motion carried 7 - 0.

D. Ordinance No. 2002.87—An Ordinance Amending Title 9, Building Regulations,” Chapter 4, Electricity and Fire Protection,” to Insert a New Section 9-2-5, “Electrical License Fee,” in the City Code in the City of Sycamore, Illinois. First and Second Reading.

Administrator Nicklas said this matter was discussed in January and February as part of an array of increased and inadvertently was omitted from the ordinances that were considered and approved by Council on February 17. Mr. Nicklas said this ordinance would increase electrical licenses to \$50.

Motion

Aldersperson Larson moved to hear Ordinance 2002.87 on first and second reading and Aldersperson Paulsen seconded the motion.

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. All Alderspersons present voted aye. Motion carried 7 - 0.

Motion

Aldersperson Tripp moved to approve Ordinance 2002.87 and Aldersperson Paulsen seconded the motion.

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. All Alderspersons present voted aye. Motion carried 7 - 0.

E. Ordinance No. 2002.88—An Ordinance Concerning the Adoption of the Combined Annual Budget and Appropriation Ordinance for the Fiscal Year 2002-2003 in the City of Sycamore, Illinois. First Reading Only.

F. Ordinance No. 2002.89—An Ordinance Concerning the Recommendation of the Sycamore Zoning Board of Appeals With Regard to the Request of Robert Corrigan, Owner of Dari-Ripple, For a Variance from Section 9.03.3a, Front Yard Requirements, of the Zoning Ordinance of the City of Sycamore, Illinois. First and Second Reading.

Administrator Nicklas explained Mr. Corrigan was requesting a variance to construct a rain and sun canopy that would cover much of the waiting area at the Dari-Ripple. Mr. Nicklas said the Board of Zoning Appeals asked his to reduce the length of the awning.

Motion

Aldersperson Maness moved to hear Ordinance 2002.89on first and second reading and Aldersperson Larson seconded the motion.

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. All Alderpersons present voted aye. Motion carried 7 - 0.

Aldersperson Paulsen asked what the canopy would be made of and Zoning Officer Doty said it would have to meet building code and before spending money for the design, Mr. Corrigan wanted to make sure he had permission.

Motion

Aldersperson Tripp moved to approve Ordinance 2002.89 and Aldersperson Maness seconded the motion.

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. All Alderpersons present voted aye. Motion carried 7 - 0.

G. Ordinance No. 2002.90—An Ordinance Approving a Lease Between the City of Sycamore and Zea Mays Holdings, LLC, Regarding Suite 301 of the Sycamore Center. First and Second Reading.

Administrator Nicklas explained presently the Sycamore Center had 9,800 square feet available for lease and Zea Mays Holdings, LLC requested 3,800 square feet of that. Mr. Nicklas said the pre-payment of \$80,000 would offset the City's investment in new offices and other finished space on the third floor. Mr. Nicklas said the rent of \$12 per square foot was at the high end of downtown rental prices because of the view. He said he was working on leases for the mezzanine, retail space, and the basement.

Motion

Aldersperson Larson moved to hear Ordinance 2002.90 on first and second reading and Aldersperson Maness seconded the motion.

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. All Alderpersons present voted aye. Motion carried 7 - 0.

Motion

Aldersperson Tripp moved to approve Ordinance 2002.90 and Aldersperson Paulsen seconded the motion.

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. All Alderpersons present voted aye. Motion carried 7 - 0.

H. Ordinance No. 2002.91—An Ordinance of Intention to Issue Health center Revenue Bonds of the City of Sycamore, DeKalb County, Illinois, in an Aggregate of Principal Amount Not To Exceed \$4,000,000, To Finance All or a Portion of the Cost of the Expansion and Remodeling of an Existing Facility Owned and Operated by the DeKalb Area Retirement Center or related Entity, and To Authorize the Execution of a Memorandum of Agreement By and Among the City of Sycamore and Said Party and Related Matters. First and Second Reading.

Administrator Nicklas said this ordinance proposed authorization to issue private activity bond of up to \$4 million to DeKalb Area Retirement Center. Mr. Nicklas said this did not add to the debt of the city or

obligate it to repayment. He said there would be no recourse against the City, but this would pass along a tax-exempt status for a lower than market interest rate.

Steve Cichy, Executive Director of DeKalb Area Retirement Center, explained they wanted to expand the nursing area by adding 20 beds.

Motion

Aldersperson Maness moved to hear Ordinance 2002.91 on first and second reading and Aldersperson Tripp seconded the motion.

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. All Alderspersons present voted aye. Motion carried 7 - 0.

Motion

Aldersperson Paulsen moved to approve Ordinance 2002.91 and Aldersperson Larson seconded the motion.

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. All Alderspersons present voted aye. Motion carried 7 - 0.

RESOLUTIONS

- A. Resolution No. 435—Recommending the Amendment of the State of Illinois Downstate Public Transportation Act to Identify the City of DeKalb, on the Behalf of the DeKalb-Sycamore Urbanized Area, as an Eligible Grantee for State Transit Funding Under This Program, and to Seek an Appropriation of \$1.5 Million in State Funds Through This Program.**

Administrator Nicklas explained this resolution would allow VAC to position itself for state dollars to sustain existing services because other grants would be ineligible because of the MPO.

Motion

Aldersperson Maness moved to adopt Resolution 435 and Aldersperson Paulsen seconded the motion.

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. All Alderspersons present voted aye. Motion carried 7 - 0.

- B. Resolution No. 436—Re-Allocating the City of Sycamore’s Private Activity Bond Volume Cap for the Year 2003 to the Illinois Housing Development Authority for the Purpose of Issuing Mortgage Credit Certificates in the City of Sycamore, Illinois.**

Administrator Nicklas said the private bond authority amount was tied to population and was distributed among governmental units including home rule communities and certain state agencies such as the Illinois Housing Development Authority and the Illinois Development Finance Authority. He said the uses were limited to industrial revenue bonds or mortgage revenue bonds. Mr. Nicklas said this resolution would allow qualified first-time homebuyers to take 25% of the annual interest paid on their new mortgage as a credit against their federal income tax liability.

Aldersperson Paulsen inquired if the funds were utilized and Mr. Nicklas said the current year was down, but the past two years all the money was used.

Motion

Aldersperson Paulsen moved to adopt Resolution 436 and Aldersperson Maness seconded the motion.

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. All Alderspersons present voted aye. Motion carried 7 - 0.

CONSIDERATIONS

A. Consideration of a Public Works Department Recommendation to Award a Contract for Emergency Repairs to the Treatment Plant Roofs.

Superintendent Busse explained the roof was the original one put on twenty-five years earlier and only spot repairs had been done. Mr. Busse said this would entail a full teardown. He said although Standard Roofing's bid was the highest they would carry the longest warranty and could get started immediately. Superintendent Busse recommended accepting Standard Roofing's bid for \$23,380.00.

Motion

Aldersperson Maness moved to accept Standard Roofing's bid in the amount of \$23,380.00 and Aldersperson Larson seconded the motion.

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. All Alderspersons present voted aye. Motion carried 7 - 0.

B. Consideration of an Administration Recommendation to Award the Contract for the FY2003 and FY2004 Independent Audit to Clifton Gunderson, LLP.

Administrator Nicklas said this was the time of year to decide on the auditor and reminded Council that last year they approved a new audit firm, Clifton Gunderson, and recommended approving their contract for the same fee the second year and a slight increase the third year. Mr. Nicklas said they had performed well and it was important to develop a relationship

Motion

Aldersperson Bauer moved to award the two-year contract to Clifton Gunderson, LLP and Aldersperson Tripp seconded the motion.

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. All Alderspersons present voted aye. Motion carried 7 - 0.

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

Motion

Aldersperson Maness moved to go into closed session at 8:55 p.m. and Aldersperson Larson seconded the motion.

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. All Alderspersons present voted aye. Motion carried 7 - 0.

Motion

Aldersperson Maness moved to return to open session at 9:31 p.m. and Aldersperson Larson seconded the motion.

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. All Alderspersons present voted aye. Motion carried 7 - 0.

APPOINTMENTS

Mayor Swedberg appointed Dave Finney to the Board of Zoning Appeals and Michelle Schulz to the Economic Development Commission. Mayor Swedberg appointed five members to the Downtown Improvement/Architectural Review Committee as follows: Kevin Mathey at large, Todd Hendrey from Discover Group, Michelle Schulz from the Economic Development Commission, Chris Swedberg a design professional, and Andrew Larson from Council.

Motion

Aldersperson Bauer moved to approve the appointments and Aldersperson Leach seconded the motion.

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. All Alderspersons present voted aye. Motion carried 7 - 0.

ADJOURNMENT

Motion

Aldersperson Larson moved to adjourn the meeting at 9:32 p.m. and Aldersperson Maness seconded the motion.

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. All Alderspersons voted aye. Motion carried 7 - 0.

Approve:

Mayor – John L. Swedberg

Attest:

City Clerk – Candy Smith