
SYCAMORE CITY COUNCIL – REGULAR MEETING
MINUTES OF JUNE 2, 2003

ROLL CALL

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

INVOCATION

Pastor Jim Elliott of Harvest Time Church gave the invocation.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Motion

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

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. All Alderpersons voted aye. Motion carried 8-0.

AUDIENCE TO VISITORS

None

CONSENT AGENDA

- A. Approval of the Minutes of the Regular City Council Meeting of May 19, 2003;
- B. Payment of the Bills for June 2, 2003 in the amount of \$289,545.68.

Motion

Alderperson Stowe moved to approve the Consent Agenda and Alderperson Larson seconded the motion.

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. All Alderpersons voted aye. Motion carried 8-0.

PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.

Alderperson Larson suggested starting the Council meetings at 7:00 p.m. Manager Nicklas said it might be a good idea to keep the meetings from running so late. Mayor Swedberg asked if workshops would begin at 6:30 and Mr. Nicklas said either 6:00 or 6:30. Alderperson Bauer said the Plan Commission changed from 7:30 p.m. to 7:00 p.m. about 5 years earlier. Mr. Nicklas said he would bring the time change back in ordinance form.

Alderperson Paulsen urged property owners to keep lawns mowed out of courtesy to their neighbors. Mr. Paulsen said he had mowed an area in his neighborhood that was creating a traffic hazard, but he could not do that all over town.

Mayor Swedberg said he had received a letter from Comcast stating that effective July 2003 the price of premium channels ordered ala carte would increase.

REPORT OF OFFICERS

Manager – Bill Nicklas thanked Alderperson Paulsen for sending the message about lawn mowing.

Engineer – John Brady - no report

Building & Zoning –Lyle Doty added to Alderperson Paulsen's mowing comments by reporting that in new subdivisions people sometimes dump lawn clippings and construction debris onto empty lots which compounded the mowing problem. Mr. Doty asked the Alderpersons to spread the word in their Wards that empty lots were not collection stations.

Treasurer – Ken Mundy had no Treasurer report, but reported that Sycamore High School Baseball team had captured the Regional Title.

Fire Chief – Bill Riddle reported that the Sycamore Fire Department would have an intern from the Kishwaukee Education Consortium for two weeks over the summer. Chief Riddle also reported that the U.S. Army recognized Sycamore Fire Department with a Certificate of Outstanding Support. Chief Riddle expressed appreciation to Army Sergeant Shaun Penn who has returned from active duty since September 27, 2002 through May 23, 2003. Shaun is a veteran firefighter, paramedic, and EMT instructor returning today for the first day of work. Firefighter Penn possesses 15 ribbons and medals including the Army Achievement Medal, Army Commendation Medal, Combat Medical Badge and the Bronze Star. Chief Riddle welcomed Firefighter Penn home. Firefighter Penn thanked the City, Council, and the Fire Department and said it was his duty to serve his country and his privilege to return home.

Police Chief – Don Thomas reported that through the hard work of the Board of Fire and Police Commissioners and the Police Department they had recruited, selected, and hired two police officers. Chief Thomas recognized Sue Lipman for her volunteer work for the Police Department. Chief Thomas explained that over the past three weeks there were 3 tornado warnings within 50 miles of Sycamore and the City chose not to set off the sirens. He clarified that the criteria for setting off the sirens was if the warning was specific for Sycamore or if a tornado was sighted. Chief Thomas said his department sends spotters out. Chief Thomas also explained that the sirens were placed to warn people who were outside to go inside. He said that those that were inside should tune to televisions or radios.

Public Works Supt. – Fred Busse – no report

Water Supt. – Ebe Smith reported that all the piping for Well #5 was in, but the rebuilt motor malfunctioned and should be back from repair in about 2 to 3 weeks. Superintendent Smith also reported that Well #7 lost a motor, but was already back in service.

REPORT OF STANDING COMMITTEES

Finance – no report

Ordinance – no report

Police & Fire - no report

Sewer & Water – no report

Streets & Walks –no report

PUBLIC HEARING

None

ORDINANCES

A. Ordinance No. 2003.03—An Ordinance Adopting a Revised Comprehensive Plan and Land Use Map. First and Second Reading.

Manager Nicklas said he had not received any questions or calls over the past two weeks. Mr. Nicklas said this was a unique plan that reflected a boundary with the greenbelt. He said the plan consisted of text, land use map, transportation plan, existing land use map, and several charts.

Aldersperson Bauer suggested adding the class of agriculture to zoning and Mr. Nicklas said such zoning existed, but was not used because nobody had annexed to continue to farm. Mr. Bauer said the Plan should contain a Bethany SE Subregional Plan map and Mr. Nicklas said the plan itself was included and he would append the map to the end.

Aldersperson Leach said she agreed the Plan was well done, but would like to see the boundary stopped at North Grove Road.

Mr. Nicklas said the Plan only painted a picture of how the City should grow if the Corporate Authorities decided to grow there.

Aldersperson Paulsen said if this was as far as the City wanted to go, would the City plan further than Whipple Road once that was annexed and Mr. Nicklas said the greenbelt at Whipple implied the Corporate boundaries would stop there.

Aldersperson Stowe said if the City grew as far as Whipple they could paint the planning area agricultural. Aldersperson Bauer said he wanted a plan for the planning area so other communities would not take control.

Motion

Aldersperson Maness moved to approve Ordinance 2003.03 and Aldersperson Tripp seconded the motion.

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. Seven Alderspersons voted aye with Aldersperson Leach voting nay. Motion carried 7 - 1.

B. Ordinance No. 2003.04—An Ordinance Amending Chapter 13, "Administration," Section 13.02 "Zoning Certificates and Building Permits," of the Amended Zoning Ordinance of 2001 of the City of Sycamore, Illinois to Add a New Paragraph 5 That Establishes a Schedule for the Allowable Number of Annual Permits Per Each New Planned Unit Development. First and Second Reading.

Manager Nicklas explained that this ordinance was not to delay or slow development, but to serve as an insurance policy against a threshold that the City's services could not withstand. He said this would control the pace.

Aldersperson Kessler said she had contacted several of her constituents and they were supportive of the pace tool.

Aldersperson Leach said that since the City's permits had never reached the allowed numbers established, she did not see why there was opposition.

Aldersperson Maness said she did not agree with putting limits on developers, but the City needed to act responsibly regarding staff and service limitations. She said this was a way for the City to exercise caution.

Motion

Aldersperson Maness moved to hear Ordinance 2003.14 on first and second reading and Aldersperson Larson seconded the motion.

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. All Alderspersons voted aye. Motion carried 8 -0.

Motion

Aldersperson Paulsen moved to approve Ordinances 2003.14 and Aldersperson Stowe seconded the motion.

Aldersperson Bauer said he supported this, but asked for a study requiring phasing in annexation agreements be placed in the Ordinance Committee. Aldersperson Maness cautioned placing phase limits on development because it might affect the amenities given to the City, Park District, and School District. Mr. Nicklas said Council could impose restrictions on any annexation. Mr. Nicklas said he would rather see the Council amend this ordinance if Council desired, because he was aiming for consistency.

John Castle, John Castle Builders, expressed concern that limiting building permits would work in favor of the larger companies. He said the large companies could buy up a large share of the permits.

Ken Andersen, DeKalb County Building & Development Association, said their position was that the pace of building should be done at the time of annexation.

Amended Motion

Aldersperson Stowe moved to remove numbers 40, 50, 60, 70 & 75 from the table and Aldersperson Bauer seconded the motion.

Manager Nicklas said the reason the Plan Commission approved the numbers in question was to allow incentive for those developers who would give amenities like open space.

Amended Motion Roll Call Vote

Mayor Swedberg called for a roll call vote. Alderspersons Leach, Stowe, and Bauer voted aye. Alderspersons Maness, Paulsen, Tripp, Kessler, and Larson voted nay. Motion failed 3 – 5.

Voice Vote

Mayor Swedberg called for a voice vote to approve the original motion. All Alderspersons voted aye. Motion carried 8 - 0.

- C. **Ordinance No. 2003.08—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to the Petition of Dahlco, LLC for an Amendment to the Annexation Agreement Dated March 27, 1996 and for the Annexation and Rezoning of the Property Along the West Side of Hopkins Lane, South of Mt. Hunger Road. Second Reading.**

Aldersperson Larson asked about the intersection improvements at Maplewood and Route 23. Engineer Brady said IDOT reviewed the original drawings rather than the revised set and they were waiting for the revised comments. Mr. Brady said they needed signal plans and construction plans and since signals take a long time to order, they were trying to get those plans approved first.

Keven Dahl, Dahlco LLC, said they were now working with the third district engineer in 3 years. Mr. Dahl said they were working as fast as the system would allow. Mr. Dahl said that John Brady, Mayor Swedberg, and Mr. Nicklas had tried to expedite the process with no success. Engineer Brady said the process was a lengthy one and the new personnel had compounded the time.

Aldersperson Paulsen asked if the parcel could be permitted. He said there were complaints from his constituents regarding the lack of a sidewalk connecting to Route 23 for the school kids. Mr. Nicklas said the lots could not be sold until the final plat was approved and reminded him this was the preliminary plat.

Motion

Aldersperson Larson moved to set over Ordinance 2003.08 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 voted aye. Motion carried 8 -0.

D. Ordinance No. 2003.20—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to the Petition of Dahlco, LLC for Approval of the Annexation of Property West of Hopkins Lane in the City of Sycamore, Illinois. First and Second Reading.

Because of the action taken on Ordinance 2003.08, this ordinance was heard on first reading.

E. Ordinance No. 2003.12—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to the Petition of John Clare, LTD for an Annexation Agreement, Annexation and Rezoning of the Property Known as the Kocher Farm. First and Second Reading.

Manager Nicklas went over the highlights of the proposed development as follows:

- a) Land Uses. About 85.45 acres of "R-1" One Family Residence zoning and 10.83 acres of "R-3" Multiple Residence zoning with a special use permit for townhouse development. The 5 acres of commercial zoning anticipated in the proposed Land Use Plan for the vicinity of Peace Road and Lindgren Road would develop on the adjacent property retained by the Kocher family, which is not part of the development plan.
- b) Density. The overall density will be 2.8 dwelling units per gross acre. Forty-one (41) large single family home sites would be developed with a minimum lot size of 12,000 square feet and an average lot size of 15,242 square feet; and 122 single-family home sites would be developed with a minimum lot size of 10,000 square feet and an average lot size of 11,453 square feet. In addition, 106 townhomes would be developed.
- c) Average Pricing. Townhomes: \$165,000; Single Family homes: \$250,000 (comparable to Heron Creek).
- d) Open Space. The open space would be equivalent to 40.8% of the gross land area, inclusive of 6.35 acres of park space, 5.15 acres of detention, and 27.80 acres of right-of-way (excluding Plank Road).

- e) Public Park Space. The plan depicts a 6.35-acre park that greets the visitor upon entry at Peace Road. This park blends into an adjacent retention area to suggest a larger recreational area.
- f) Commercial Area. Future commercial zoning will arise when the Kocher homestead is annexed. The plat has been revised to show access from two points: one logical point of access is through Lot 4; the other is through the townhome area and required the removal of a unit from Building 8 and a unit from Building 9.
- g) Bike paths. A bike path originates in the entry park. It spreads west along Northgate Drive and southward to Alden Drive.

The Annexation Agreement.

The proposed annexation agreement has the following main features:

- a) A twenty-year term.
- b) The developer is responsible for the extension of North Grove Road and Lowell Drive to Plank Road, subject to approvals from the DeKalb County Highway Department regarding intersection design, turn lanes and signalization. The developer may recapture 50% of the cost of the widening and turn lane improvements associated with such intersections since they will serve other developments in the immediate area.
- c) The developer shall build the portion of Lowell Drive adjacent to the subject property, but will be entitled to recapture some of the cost of the construction and interest (40%) from any future developer of land to the west.
- d) The developer shall donate \$200,000 to the Sycamore School District for construction projects and the proposed field house within 30 days of the approval of the initial final plat.
- e) The developer shall make the obligatory land or cash donation to the Park District.
- f) The bike paths shown on Exhibit "B" (the preliminary plan) shall be built to a width of 10 feet. The text of paragraph 35 should be revised to clearly identify the material to be used.
- g) The City shall review the design standards for the R-3 zoning area prior to final plat approval.
- h) The developer shall be allowed to pay an annexation fee of \$1,000 per acre if the entire acreage is paid by December 31, 2003.

Mr. Nicklas said that since the developer put this on hold until the Comprehensive Plan revisions were complete, he proposed a 2 variations:

1. In view of his willingness to suspend steps to annex last fall, Mr. Johnson has requested the same relief from the higher annexation fees afforded Sycamore Creek and other developments recently annexed to the City. He agrees to pay all of the fees at once, before the end of the calendar year, provided he can do so at the reduced rate of \$1,000 per acre.
2. Mr. Johnson also asks for a minor allowance with respect to the proposed regulatory controls regarding allowable permits per year. Again, in light of his patience in waiting for a northeast plan to unfold, he asks that the clock start at the first of this calendar year, which would allow additional single family units (about 20) to be permitted in 2004—the first year he is likely to be ready to apply for permits.

Mr. Nicklas said that by allowing the \$1,000 per acre fee at the time of approval, the \$96,000 would balance the recent loss of state revenue.

Aldersperson Leach inquired if the School Board felt that the impact on the schools was offset by the \$200,000. Mr. Nicklas said School Superintendent Hammon said that he felt the \$200,000 would offset the capital cost.

Aldersperson Stowe said he hoped Mr. Johnson would get more creative with the townhouse design. Mr. Nicklas said design could be discussed when final platting was brought the Council.

Aldersperson Tripp inquired if there would be any sewer or water cost for the City and Mr. Nicklas said the developer was responsible for looping the water.

Dave Johnson, President of John Clare LTD, said he was in attendance with his business partner Shari Neely. Mr. Johnson said they had been working hard with the City staff and the other taxing bodies and were happy to be presenting their proposal to Council. Mr. Johnson talked about the infrastructure and right-of-way requirements they were meeting. He said his proposal tied gaps between Heron Creek and Sycamore Creek. Mr. Johnson said the proposal received positive reactions from Dr. Hammon and the School Board. Mr. Johnson said their Park District contributions doubled the requirement. He said this development would take about five years to build out. Mr. Johnson said the proposed development exceeded the current zoning codes and ordinances.

Aldersperson Larson expressed concern regarding how the City could maintain services with the additional 162 single-family homes and 28 multi-family lots. Mr. Nicklas said this was an infill area and would provide better access for emergency vehicles through the street connections between Heron Creek and Sycamore Creek. Mr. Nicklas said the impact for the first five years would be a net plus for the City and a wash over twenty years. Aldersperson Larson said he did not want to compromise the services that the current residents receive and expect. Mr. Nicklas said, by design, the City had not reached for the property tax revenues that other taxing bodies had, therefore the City would not be accumulating property taxes as aggressively.

Mayor Swedberg asked if the development was open to contractors or limited to selected contractors, and Mr. Johnson said it would be limited to selected contractors.

Motion

Aldersperson Tripp moved to approve Ordinances 2003.12 and Aldersperson Maness seconded the motion.

Roll Call Vote

Mayor Swedberg called for a voice vote to approve the motion. Alderspersons Maness, Stowe, Tripp, Kessler, and Mayor Swedberg voted aye. Alderspersons Leach, Paulsen, Bauer, and Larson voted nay. Motion failed 5-4.

F. Ordinance No. 2003.13—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to the Petition of John Clare, LTD for Approval of the Annexation of the Property Known as the Kocher Farm in the City of Sycamore, Illinois. First and Second Reading.

Manager Nicklas said he could not recommend approval of the annexation without the annexation agreement.

Motion

Aldersperson Stowe moved to approve Ordinances 2003.13 and Aldersperson Bauer seconded the motion.

Roll Call Vote

Mayor Swedberg called for a voice vote to approve the motion. Alderspersons Maness, Stowe, Tripp, Kessler, Leach, Paulsen, Bauer, Larson, and Mayor Swedberg voted nay. Motion failed 8-0.

G. Ordinance No. 2003.14—An Ordinance Approving a Grant of \$17,000 to the Voluntary Action Center for Services to Citizens of the City of Sycamore, Illinois. First and Second Reading.

Manager Nicklas explained that V.A.C. provided essential services to the community in the way of transportation and meals.

Motion

Aldersperson Maness moved to hear Ordinance 2003.14 on first and second reading and Aldersperson Larson seconded the motion.

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. All Alderspersons voted aye. Motion carried 8 -0.

Motion

Aldersperson Paulsen moved to approve Ordinances 2003.14 and Aldersperson Stowe seconded the motion.

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. All Alderspersons voted aye. Motion carried 8 -0.

H. Ordinance No. 2003.18—An Ordinance Authorizing the City of Sycamore to Borrow Funds From the Public Water Supply Loan Program. First and Second Reading.

Manager Nicklas said this ordinance plus ordinance 2003.19 were needed for the low-interest EPA loan application. He said this would authorize the borrowing of funds and 2003.19 would commit the City to a certain level of water user fees.

Motion

Aldersperson Stowe moved to hear Ordinance 2003.18 on first and second reading and Aldersperson Kessler seconded the motion.

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. All Alderspersons voted aye. Motion carried 8 -0.

Aldersperson Paulsen said this was a shining example of not getting what the City needs from development. He said this well would not be needed, except for the new developments.

Aldersperson Maness said she disagreed with Aldersperson Paulsen. Ms. Maness said she lived in the nearby subdivision and the water had needed improvement for 30 years. Engineer Brady said the reason for needing the new well was the abandonment of two other wells for poor quality. Mayor Swedberg said this well was desperately needed.

Motion

Aldersperson Stowe moved to approve Ordinances 2003.18 and Aldersperson Paulsen seconded the motion.

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. All Alderspersons voted aye. Motion carried 8 -0.

I. Ordinance No. 2003.19—An Ordinance Amending Title 8, “Water and Sewer,” Chapter 5, “Water and Sewer Rates,” Section 8-5-1, “Water Rates,” Paragraphs A, B, and C and Section 8-5-3, “Billing and Collection Procedures,” of the City Code of the City of Sycamore, Illinois. First and Second Reading.

Manager Nicklas said that to expedite the loan process, the discussion for water rates would be delayed. Mr. Nicklas said this ordinance would create the revenue to cover the new well and the mitigation of radiation. Mr. Nicklas said the base rate was reduced to help seniors and minimal users.

Aldersperson Tripp said the Mobile Home Park should get the same increase and Water Superintendent Smith agreed.

Motion

Aldersperson Tripp moved to hear Ordinance 2003.19 on first and second reading with corrections made to the Mobile Home Park rates 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 8 -0.

Aldersperson Tripp said she would like the Sewer & Water Committee to begin meeting late summer to review rates.

Motion

Aldersperson Bauer moved to approve Ordinances 2003.19 with the correction and Aldersperson Maness seconded the motion.

Aldersperson Stowe said he wanted residents to note that the City was increasing the cost to satisfy the mandated mitigation of radium levels that pose no credible risk, but are considered unacceptable by the EPA.

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. All Alderspersons voted aye. Motion carried 8 -0.

RESOLUTIONS

None

CONSIDERATIONS

None

APPOINTMENTS

Mayor Swedberg appointed Larry Steczo as Park Board Representative to the Plan Commission.

Motion

Aldersperson Bauer moved to approve the appointment and Aldersperson Tripp seconded the motion.

Voice Vote

Mayor Swedberg called for a voice vote to approve the motion. All Alderspersons voted aye. Motion carried 8 -0.

ADJOURNMENT

Motion

Aldersperson Stowe moved to adjourn the meeting at 9:44 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 8 -0.

Approve:

Mayor – John L. Swedberg

Attest:

City Clerk – Candy Smith