
SYCAMORE CITY COUNCIL – REGULAR MEETING
MINUTES OF AUGUST 4, 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

Mayor Swedberg asked for a moment of silent reflection.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Motion

Alderperson Larson moved to approve the agenda and Alderperson Maness 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

Chuck Criswell, Turning Back Time Car Show Committee Chair, said the event raised \$8,737 and they were donating \$5,787 to the Sycamore Police Department D.A.R.E Program, \$2,000 to the Fizz Ehrler Scholarship Fund, \$700 to Sycamore Food Pantry, and \$200 to Hope Haven to send the children to Magic Waters. Mr. Criswell introduced the Committee as Guy Stone, Les Gibbons, Ray Feltz, and Tom Taylor. He said the event would take place again July 25, 2004 with Council approval.

Ed Niewold, 350 Plymouth Court, expressed concern that the Council was committing to development 18 years in the future. He said new development impacted the existing citizens.

Donna Prain, 25179 Shannon Lane, Sycamore, a member of the Kishwaukee River Ecosystem Partnership, said development had a significant impact on water quality. She said she would be willing to meet with each Council member to discuss.

Ann Thompson, 15350 Whipple Road, asked what the City was doing to market industry, why there was such a fast pace to put up homes, and if Sycamore Creek created a deficit to the schools, why was it approved.

Dan Faulhaber, 27551 Devine Way, asked to reserve time to speak during the B & B Developer Consideration.

Glenn Thuriault, said he was the requester for the variance for Ordinance 2003.41 and would speak at that time.

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 in the amount of \$210,961.07;

D. Zoning Board of Appeals Minutes for the Meeting of March 25, 2003.

Motion

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

Voice Vote

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

PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.

Mayor Swedberg thanked Aldersperson Stowe for conducting the previous meeting.

Aldersperson Larson said he had received a call expressing concern about the duration of the traffic signal by the Post Office. Engineer Brady said if pedestrians continue walking at the same pace after the do not walk sign starts flashing, they will be able to make it across the street before the light turns green. Mr. Brady said if the signals were changed it would throw off all the traffic signals and have traffic backed up throughout town.

REPORT OF OFFICERS

Manager – Bill Nicklas thanked Chuck Criswell and his team for a good car show and said they worked well with the City. Mr. Nicklas also thanked Cary Singer and the Police Department and Public Works Department for their work for a wonderful Community day. Mr. Nicklas recognized Daily Chronicle City Reporter Dan Campana on his last meeting and wished him well in the future.

Engineer – John Brady - no report

Building & Zoning –Lyle Doty asked Council to clarify 4.12 section of the Zoning Code that dealt with temporary buildings for new housing developments. Mr. Doty said a development that had been under construction for several years has just recently put up a trailer. Mayor Swedberg said he thought the temporary building was a construction trailer, but a temporary real estate office would be a nice looking building. Mr. Doty said there was no real estate office at the time he started the project, but seven years later he needed to put up a trailer for 6 months until another 8-unit was built. Aldersperson Maness said they should place some limitation on when the developer can put a trailer on the property and suggested a minimum number of units built. Aldersperson Kessler said she did not think they could change the rules for that developer without a code change. Mr. Nicklas said that perhaps Council could allow the developer in the current situation some time in order to review the Zoning Ordinance. Aldersperson Bauer said he would prefer not to use trailers after structures were built. Mr. Nicklas said he would take the suggestions to the Plan Commission and return to Council at the second meeting in September.

Treasurer – Ken Mundy – no report

Fire Chief – Lt. Mark Kessler – no report

Police Chief – Lt. Cary Singer, on behalf of the Police Department, thanked the Car Club for the money.

Public Works Supt. – Fred Busse

Water Supt. – Ebe Smith – no report

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. 2003.36—An Ordinance Requiring Developers of Residential Land Uses to Notify Potential Purchasers of Nearby Farming Operations. First and Second Reading.

Manager Nicklas said a paragraph notating this ordinance would be included in the annexation agreement.

Motion

Aldersperson Larson moved to hear Ordinance 2003.36 on first and second reading and Aldersperson Leach 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 Larson moved to approve Ordinances 2003.36 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.

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.

Mr. Nicklas said Ordinances 2003.37, 2003.38, 2003.39 and 2003.40 could be taken in omnibus fashion because they were all Pumpkin Fest related. He said the ordinances 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.

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.

- 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.**

- 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.**

Motion

Aldersperson Maness moved to hear Ordinances 2003.37, 2003.38, 2003.39, and 2003.40 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.

Motion

Aldersperson Maness moved to approve Ordinances 2003.37, 2003.38, 2003.39, and 2003.40 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.

- 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.**

Manager Nicklas said the Theriault's placed a 4-foot fence on their side yard and Lyle Doty found it to be in violation of the City Code. Mr. Theriault requested a variance and the Zoning Board of Appeals unanimously denied the request because they determined it did not meet the state-imposed standards. They concluded he could yield a reasonable return on the property with or without the fence.

Glenn Theriault stated that the Fox Valley area allows four-foot open-style fences on corner lots. Mr. Theriault said that he had 25 signatures of neighbors supporting his request. He said that visibility was not an issue for his property and he asked City Council to use reasonableness. He said it would impact the resale of his property in that it would cut off the back yard.

Aldersperson Leach asked if he assumed the fence contractor would get the permit and he said he had.

Mayor Swedberg asked Building Commissioner Doty if it would be difficult to craft the language for allowing an extra foot and Mr. Doty said he thought the difficulty was the neighboring private driveway placements.

Aldersperson Stowe said hated to say no, but did not want to set a precedent.

Mr. Theriault said if they looked at this on a case-by-case basis, the visibility issue did not apply to his circumstances.

Aldersperson Maness said she did not want the Council to look at this issue on a case-by-case basis, she thought the ordinances should be followed.

Aldersperson Bauer said he was not inclined to pass a variance and suggested that the City Code was available on the Internet.

Motion

Aldersperson Maness moved to hear Ordinance 2003.41 on first and second reading and Aldersperson Bauer 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 Maness moved to approve the Zoning Board of Appeals recommendation to deny the variance by approving Ordinance 2003.41 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.

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.**

Manager Nicklas said this easement would provide a path for the water main being extended along the north side of Bethany Road between Reston Ponds and Krpan's Parkside Estates. He said it would also provide a permanent path for eventual roadway and other utility improvements along the Bethany Road corridor.

Motion

Aldersperson Larson moved to approve Resolution 439 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.

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.**

Manager Nicklas reviewed the planning process that was used to revise the City's Comprehensive Plan. He said the Plan expected growth while addressing the pace by limiting permits per year for each new development. Mr. Nicklas said the proposal met or exceeded the requirements of the newly revised Comprehensive Plan. The proposed amenities are listed as:

- 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.

Jerry Boose, B & B Development, said he was here with his partner Ken Blood, to follow-up on the previous meeting.

Mr. Nicklas asked Council how far they wanted to grow with or without this proposal. He said for the first time Council had put a boundary on growth by mapping a green belt south of Whipple Road.

Mr. Boose said they had been developing for 30 years and came to Sycamore to start Heron Creek, Sycamore Creek, and an opportunity presented itself with a long-term future in Sycamore. He said they were before Council to get a sense of how they should proceed. Mr. Boose said the proposed area was large, but this would allow for better planning of schools, parks, roadways, and infrastructure. He said they were proposing 1.7 units per acre which was not maximum density and the rate of the development would not exceed the City's ordinance. Mr. Boose said they were willing to subject Sycamore Creek to the building limits and offering a school site plus over \$800,000 to the schools. He said if the Council did not deal with B & B they would be dealing with several smaller developers and would not have a master plan. Mr. Blood explained that they sell lots to custom homebuilders that lead to a subdivision of diverse home styles.

Donnie Faldhaber, 27551 Divine Way, said he lived across from the lake they were going to develop and expressed concern about the habitat for the animals and birds. He also thought that removing the Moose Range curve would create a dangerous curve at the entrance of his subdivision. Mr. Faldhaber challenged B & B to build a school and pay teacher salaries the first five years. He expressed concern about the impact on schools, city services, and the habitat.

Alderman Larson thanked the audience for attending and said he was disappointed that more people had not attended. Mr. Larson asked what the School Board thought about the proposal and Mr. Nicklas said he had given packets to the School district and said they were interested in discussing growth issues and pace was a key. Mr. Nicklas said the Park District was eager to discuss this proposal.

Mr. Nicklas said that the idea of global planning assured results as opposed to 6 or 8 developers trying to develop.

Alderman Kessler said everybody was concerned about paying for new development and suggested the developers build the schools, put in a well and a water tower, buy the snowplows in order to assure that the subdivision paid for itself.

Alderman Leach said this was not simply a matter of money, but a matter of the kind of community that was desirable.

Aldersperson Stowe said there were a lot of unfinished subdivisions and he had not heard the community say they wanted or needed 1,000 more homes.

Aldersperson Larson said he thought B & B held a good reputation, but he was intimidated by committing to too many years in the future.

Mr. Nicklas said it was important to be analytical and look at the facts. He said there was nothing that would limit or freeze the amount of the impact fees. Mr. Nicklas said the fiscal impact study was suggestive not definitive. He thought it was safe to say that the project would not leave the City in a deficit, but he could not predict the future.

Donna Prain, audience member, asked Council to look at the value of the quality of life when making their decisions.

Mayor Swedberg said he was hearing that although B & B had raised the bar, Council wanted to raise the bar higher. Mayor said that Council would need to address those issues.

Aldersperson Leach asked if sending the proposal to the Plan Commission would send a message of approval and Mayor Swedberg said it should not.

Manager Nicklas said he thought they needed clearer direction. He asked Council if they thought the proposed land use was consistent with the Comprehensive Plan and the Council agreed it was. He also asked if the code for impact fees and permit pace were adequate or needed to be addressed at Plan Commission.

Aldersperson Paulsen said the City should ask for whatever would be needed to service the new area.

Aldersperson Bauer said he agreed and his main concern was the pace and the 15-year buildout.

Mayor Swedberg asked Mr. Boose and Mr. Blood if they had enough direction and Mr. Boose said he thought the standards had already been set and now Council was raising the bar. Mr. Boose said he was hearing that the City might not be ready to look at growth and may look back on this as a lost opportunity.

Ken Blood said it was not just fiscal impact, but a lifestyle and the City might not want to grow. He said a lot of time and money would be spent to go through the process. He said if the Community did not want them, then they did not want to develop.

Aldersperson Maness said many hours had been spent revising the Comprehensive Plan and the proposal met and exceeded the requirements. She said the large area could be better controlled than if divided into smaller developments. She said that new development did not cost as much as the older parts of town. Ms. Maness expressed disappointment that Mr. Blood said they would not proceed to the Plan Commission because she thought they would do a good job.

Manager Nicklas said there was another developer was already on the August Plan Commission agenda and there would be one or two more in September. He said the message the Council was sending would be heard by other developers. Mr. Nicklas explained that he had spent all of last Thursday trying to attract a medium-range family company and the industrial would not come with no growth.

Mayor Swedberg said he was not hearing the Council saying no to sending this to Plan Commission. He thought Council was asking for more amenities.

Mr. Nicklas said he brought this before Council to get direction on whether it would be welcomed before spending more time and money to go through the process.

Mayor Swedberg said that B & B wanted a vote whether to send the proposal to Plan Commission.

Motion

Aldersperson Maness moved to send the proposal to Plan Commission and Aldersperson Tripp seconded the motion.

Aldersperson Maness asked Council to consider the time and money the developer would be spending before voting to send to the Plan Commission.

Aldersperson Bauer said he would vote to send this to the Plan Commission, but it did not mean he would automatically vote for approval.

Aldersperson Larson said it deserved to be heard by the Plan Commission.

Aldersperson Stowe said just because they had approved all the residential area on the Comprehensive Plan, did not mean they had to develop it all at once.

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

Manager Nicklas recommended a) Using \$250,000 of the FY03 surplus for the purchase of a new fire engine and b) Borrowing \$1 million from Harris Bank 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. Mr. Nicklas said he thought they could pay this back with \$50,000 Motor Fuel Tax Fund and \$50,00 of recurring revenue in the Capital Fund.

Aldersperson Paulsen said they were investing in themselves and they could purchase equipment and repairing sidewalks with the U.A.F. dollars.

Aldersperson asked if the Oakland Drive extension should be a 4-lane and Mr. Nicklas said they could not afford it.

Aldersperson Tripp said she supported the recommendation and suggested allowing the U.A.F. money to grow.

Aldersperson Paulsen said he was not suggesting they use all of it.

Mr. Nicklas said that the U.A.F. money might be spent on the Bethany Road project if it exceeded the budgeted amount.

Motion

Aldersperson Larson moved to approve the recommendations and Aldersperson Bauer seconded the motion.

Voice Vote

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

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

Engineer Brady said he received 5 bid for the reconstruction of Home Street and Walnut Street and recommended awarding the contract to Elliott and Wood with the low bid of \$731,460.65.

Motion

Aldersperson Stowe moved to award the bid to Elliott and Wood for \$731,460.65 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.

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

Engineer Brady recommended awarding the bid to the sole bidder, Layne-Western of Aurora, Illinois for \$407,246.

Motion

Aldersperson Maness moved to award the contract for drilling of new Well #9 to Layne-Western of Aurora, Illinois for \$407,246 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.

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.

Engineer Brady said seven bids were received and he recommended awarding the contract to low bidder D.R. Gilbert for \$416,166.40.

Motion

Aldersperson Maness moved to award the contract to D.R. Gilbert for \$416,166.40 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.

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

Motion

Aldersperson Larson moved to go into closed session at 10:00 p.m. 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.

Motion

Aldersperson Larson moved to return to open session at 11:05 p.m. and Aldersperson Leach seconded the motion.

Voice Vote

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

APPOINTMENTS

Before going into Closed Session Mayor Swedberg appointed Susan Thomas and JoAnne Lewis to the Library Board.

Motion

Aldersperson Larson moved to approve the appointments 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.

ADJOURNMENT

Motion

Aldersperson Stowe moved to adjourn the meeting at 11:05 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