
SYCAMORE CITY COUNCIL – REGULAR MEETING
MINUTES OF JUNE 7, 2004

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, Barbara Leach, Cheryl Maness, Pete Paulsen, Chuck Stowe and Janice Tripp. Alderperson Andrew Larson was absent.

INVOCATION

Pastor Jim Elliott of Harvest Time Fellowship gave the invocation.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Motion

Alderperson Stowe 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 7 -0.

AUDIENCE TO VISITORS

Greg Taylor, 1239 Yorkshire Drive S., thanked Attorney Foster for his letter to the editor clarifying when the Mayor can vote to dispel the innuendo. Mr. Taylor expressed concern about setting precedent by reducing school impact fees for Gracious Living Homes. He said that impact fees are a cost of moving to Sycamore. Mr. Taylor said he is not pro-growth, but realized that no growth means stagnation and he congratulated the Council for their efforts to control growth. He said as a representative form of government the people elect Council to make decisions on their behalf and not to do whatever they tell them to do.

Gregory Hoskins, 14 Wakefield Lane, Geneva, IL, said he was the attorney representing George Haviar of Midwest Pacific Homes petitioner for The Settlement. Mr. Hoskins said the plan went through 2 workshops and was recommended 9 – 1 by the Plan Commission and recommended by the City Manager. He said the proposal exceeded the School and Park District's impact fees yet failed to gain a 2/3 vote at the last Council meeting. Mr. Hoskins asked Council for a motion to reconsider so a vote could take place when all members of Council are present.

Mayor Swedberg said item #7 would be a time when a Council member would have the opportunity to make that type of motion.

Barbara Hudson, 2319 Fairland Drive, said recently a communication agency came to her house and asked her to sign papers she did not understand. She said she felt like she was being used for her signature. She said she has questions about her bank account regarding the initials DDA. Mr. Nicklas said she should check with her banker.

CONSENT AGENDA

- A. Approval of the Minutes for the City Council Meeting of May 17, 2004;
- B. Payment of the Bills for June 7, 2004 in the amount of \$256,762.36 and \$3,782,647.60;

Motion

Aldersperson Stowe moved to approve the Consent Agenda 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 7 -0.

PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.

A. Consideration of a Presentation by the Sycamore Economic Development Commission.

Sycamore Economic Development Commission member Berni Schelkopf introduced Steve Braser, owner of Downtown Shoes at 307 West State Street.

Steve Braser said his parents brought the business to town in 1960. They were located in what now is PJ's dining room and then moved to where the Little Fiddler is. Mr. Braser said in 1968 his father suffered a heart attack and while in the hospital, Cliff Danielson asked him to buy the building they are currently in. His father said he did not have the money and Mr. Danielson said he would trade him and they would figure out something later. Mr. Braser said because of Mr. Danielson's commitment and his family's commitment to the community they are still doing business in the City of Sycamore. He said they have a wonderful location in town and the City did a great job of renovating the downtown and they want to continue to be a part of downtown.

Mayor Swedberg read a letter of appreciation from DeKalb County Economic Development Corporation for the grant of \$10,000.

Mayor Swedberg reported that the Marathon Gas Station is in the process of changing owners and the liquor license has been applied for and approved.

Mayor Swedberg reported that he will be in Springfield Thursday and Friday for an Economic Development Conference.

Aldersperson Maness said residents on Main Street were concerned that utility companies would return to seed and or landscape around the boxes they recently placed. Ms. Maness said those residents were not made aware the boxes were going in and asked for better communication. Ms. Maness also reported that she has received complaints about loud motorcycles.

Aldersperson Paulsen requested a "Slow Children Playing Sign" near the park at Heron Creek.

REPORT OF OFFICERS

Manager – Bill Nicklas said a gooseneck for the public microphone has been ordered. Mr. Nicklas said the Plan Commission is reviewing the first draft of the U.D.O. along with the Zoning Board of Appeals and it will come to Council at the end of the summer.

Engineer – John Brady said they are 2 weeks away for drawings to be sent to EPA for Well #9 and then there will be a 45-day bid process.

Building & Zoning –Lyle Doty reported that due to the newspaper article regarding sidewalks, there is peaked interest in sidewalk repair and replacement.

Treasurer – Ken Mundy was absent.

Fire Chief – Bill Riddle reported that Firefighter Scott Flatter started work today as the first of three new hires. Chief Riddle said Firefighter Flatter is a 9-year veteran of West Chicago's Paid-On-Call force and will be at Council to be sworn in at the June 21st meeting. Chief Riddle reported that Jim Lyon has started a program with the Sycamore High School seniors encouraging fire safety as those graduating go out on their own.

Police Chief – Don Thomas was absent.

Public Works Supt. – Fred Busse distributed a map depicting ComEd's tree trimming schedule. Superintendent Busse also reported Public Works saved about \$14,000 by doing the storm sewer project on Main and Locust in house. He said they are doing a similar project on California Street. Superintendent Busse said they had no reports of back ups regarding the recent rains.

Water Supt. – Ebe Smith reported on an EPA evaluation. He listed a few deficiencies as: the abandoning of Well #3, abandoning of Well #1 if they remove it from standby status, chlorine concentrations on the east side of town – he said those should be improved with Well #9 and the looping, a new standard for storing chemicals will require a separate storage facility for gas chlorine, increase in number of bacteria samples because of population increase, radium must be eradicated by 2007, completing a cross-connection control program, and operating permits needed to be obtained by the City Engineer. He said they reminded him that they have never done a formal report for unaccounted water and the new billing system will create that report. He said that 15% or less is acceptable and Sycamore's is 7.5%.

REPORT OF STANDING COMMITTEES

Finance – no report

Ordinance –no report

Police & Fire – no report

Sewer & Water – Chairperson Tripp said they met before the meeting and approved staff's recommendation to proceed with the feasibility study for possible treatment plant improvements.

Streets & Walks –Chairperson Paulsen said they met to discuss the sidewalk repair program and will meet again in July to prioritize each Alderpersons sidewalk inventories.

PUBLIC HEARING

A. Public Hearing Regarding the Proposed Mixed-Use Development Located South of Bethany Road and West of the Bethany Road Detention Pond.

Mayor Swedberg opened the public hearing and upon hearing no public comment closed the hearing.

ORDINANCES

A. Ordinance No. 2004.08--An Ordinance Concerning the Recommendation of the Plan Commission With Regard to a Petition from Gracious Living Homes-Sycamore, LLC and the W.H.P. Trust #74 for an Annexation Agreement, the Annexation of the Property South of Bethany Road Approximately One-Quarter Mile West of Somonauk Street with a Zoning

Classification of "C-4" Mixed Use, Commercial District, and a Special Use Permit for a Planned Unit Development.

Manager Nicklas said at the Plan Commission meeting of May 10, the developer presented a formal petition for annexation with an annexation agreement, annexation plat, and preliminary plat for a 16.79-acre parcel south of Bethany Road and immediately west of the City's regional detention pond. Mr. Nicklas listed the details of the Preliminary Plan as follows:

- The plan area comprises 16.79 acres, including about 3 acres of commercially-zoned property.
- The entire plan area shall be zoned "C-4," Mixed Use, Commercial Business District. The City Council will recall that the "C-4" district was created with the Comp Plan of 2000 and maintained in the Comp Plan of 2003 to accommodate planned unit developments that feature low-impact commercial uses that serve, or are adjacent to, housing units such as the type proposed in this plan. "C-4" districts also feature some type of "community" facility, such as the clubhouse proposed by the developer. Since the zoning goes with the land, the City staff felt the "C-4" designation was a better fit with respect to the Comp Plan's designation of commercial uses for the area.
- The gross density is 4.53 units per acre. A total of seventy-six (76) attached townhouses are featured in the residential area.
- Access to the residential use would be through the commercial zoning along the Bethany Road frontage. All streets south of the Bethany Road right-of-way serving the property shall be private streets maintained by a homeowner's association.

Mr. Nicklas said the annexation agreement has the following features:

- A twenty year term.
- The requirement of a concurrent Park District annexation.
- All watermains shall be properly looped at the developer's expense.
- The developer shall be responsible for fifty percent (50%) of the reconstruction of the portion of Bethany Road that is adjacent to the subject property. The roadway shall be widened to a width of forty-one feet (41') measured from back-to-back of the curbing. The developer's share of the cost will be obligated in the form of a letter of credit that will be updated annually.
- No occupancies will be permitted until the interior roadways are improved with at least the base course of asphalt at a thickness approved by the City Engineer.
- The developer shall make a cash donation to the Park District as required by Ordinance.
- The developer proposes a variance from the land-cash ordinance provisions defined by the revised School Fee Ordinance in view of the age-related restrictions on ownership in the complex. In place of the fee of \$698 per unit ($\$698 \times 76 = \$53,048$), the developer proposes a one-time contribution of \$25,000. See the attached letter to the Mayor and City Council from Murray Jewison in behalf of the developer. (*Mr. Nicklas said the full impact fee would be about \$53,000.*)
- The developer agrees to comply with Ordinance 2003.65 regarding the timing of building permits. If approved, the developer would have to wait one year before any permits could be issued.

2. Fiscal Impact. The attached fiscal study portrays the impact of the proposed subdivision with the inclusion of the requisite developer exactions for School and Park purposes. Because no school children are expected, there is also a positive impact on the School District without the required exactions. The City of Sycamore would see a modest positive impact as well.

3. Traffic Study. The study shows an estimated ADT of 709 vehicles per day, including traffic from the potential commercial uses along the Bethany Road frontage. The estimate for the townhouses alone (289 ADT) is well below the engineering standard for condominium/townhouses owing to the unique demographics of the development.

Mr. Nicklas said the Plan Commission recommended the following revisions to the annexation agreement:

- a) a prohibition of any commercial retail uses in the frontage area along Bethany Road that is reserved for commercial purposes. There was some discussion about changing the zoning to show "C-1" Neighborhood Commercial on the frontage and "R-3" Multiple Family in the condo area, but no vote was taken to change the proposed "C-4" Mixed Use designation, partly because the "C-1" zoning designation is oriented toward retail uses. The annexation agreement before the Council has been revised to prohibit retail uses (see Section 4.1).
- b) the introduction of language in the annexation agreement to assure that the age restriction proposed by the developer will be maintained for the twenty-year term of the agreement. In addition, the Commission urged the requirement of a private covenant to assure that the age restriction could not be lifted after the annexation agreement expired without the consent of at least 90% of the owners. Since the Plan Commission meeting of May 10, the developer has revised the annexation agreement to include such restrictive language (see Section 21).
- c) a requirement that the developer or condo purchaser shall be responsible for paying the School impact fees in effect at the time of permitting. The revised agreement proposes a one-time School donation of \$25,000 (see Section 15).

Aldersperson Leach asked how paying impact fees for this project addresses the direct and measurable impact. Attorney Foster said they could insist on terms of an annexation agreement.

Aldersperson Maness said she would hope the developer would pay the whole school impact fee and not make this an issue. She said they should just pay \$698/unit.

Aldersperson Paulsen said the amount would vary according to the number of bedrooms so they should use the per ordinance language.

Aldersperson Kessler said she would like to see the school impact fees paid per ordinance. She said she thinks this type of housing would be good for the aging community.

Aldersperson Maness said she wanted assurance this would remain age restricted since she was on Council when another age-restricted development was approved and returned a few years later to lift the restriction.

Aldersperson Paulsen asked why this development would be different from the one Aldersperson Maness referenced.

Mayor Swedberg said that development was not totally age restricted and also did not attract the commercial businesses they had intended.

Aldersperson Paulsen expressed concern about changing the zoning from commercial to residential and questioned if this is the right location.

Aldersperson Leach said she did not think this type of development would want to be connected to a subdivision with children.

Aldersperson Paulsen said he was not sure he was ready to give up the commercial zoning.

Aldersperson Tripp said she was also concerned about changing the zoning. She said she is also concerned about the traffic pattern that would be right above those homes.

Motion

Aldersperson Maness moved to hear Ordinance 2004.08 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 present voted aye. Motion carried 7 - 0.

Motion

Aldersperson Maness moved to approve Ordinance 2004.08 with the amendment of page 9 sections 15 & 16 to include the ordinance would follow the current impact fees and Aldersperson Leach seconded the motion.

Roll Call Vote

Mayor Swedberg called for a roll call vote to approve the motion. Alderspersons Kessler, Leach, Maness, Paulsen, Stowe, and Mayor Swedberg voted aye. Alderspersons Bauer and Tripp voted nay. Motion carried 6 - 2.

B. Ordinance No. 2004.09—An Ordinance Annexing the Property South of Bethany Road and West of the Bethany Road Retention Pond in the City of Sycamore, Illinois.

Manager Nicklas said by passing ordinance 2004.08 Council is obliged to pass this ordinance of annexation.

Motion

Aldersperson Kessler moved to hear Ordinance 2004.09 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 Alderspersons present voted aye. Motion carried 7 - 0.

Motion

Aldersperson Kessler moved to approve Ordinance 2004.09 and Aldersperson Bauer seconded the motion.

Roll Call Vote

Mayor Swedberg called for a roll call vote to approve the motion. Alderspersons Bauer, Kessler, Leach, Maness, Paulsen, Stowe, Tripp, and Mayor Swedberg voted aye. Motion carried 8 - 0.

C. Ordinance No. 2004.13—An Ordinance Approving a Collective Bargaining Agreement Between the City of Sycamore and the Fraternal Order of Police Labor Council, Representing the City of Sycamore F.O.P. Lodge No. 133. First and Second Reading.

Manager Nicklas listed the principal features of the agreement as follows:

- A term of four years (from May 1, 2004 through April 30, 2008).
- A 4% base wage increase in Year 1.
- A 3% base wage increase in Year 2.

- A re-opener after January 1, 2006 to bargain over wages and health benefits for the last two years of the contract.
- Introduction of the “career service” or longevity bonus (p. 23) that was recently approved in the IAFF contract.
- Clarification of language concerning the scheduling of vacations and comp time leave.

Aldersperson Kessler asked if the Union had voted to approve and Mr. Nicklas said they had.

Motion

Aldersperson Maness moved to hear Ordinance 2004.13 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 present voted aye. Motion carried 7 - 0.

Motion

Aldersperson Maness moved to approve Ordinance 2004.13 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.

D. Ordinance No. 2004.14—An Ordinance Amending Title 3, “Business and License Regulations,” Chapter 2, “Liquor Control,” Section 32-1, “Definitions,” of the City Code of the City of Sycamore, Illinois. First and Second Reading.

Manager Nicklas said he brought this back because there was some question about what the Park District was requesting for Monday through Thursday hours. He said it was clear that the Council did not want the facility to operate like a bar.

Larry Steczo, 116 W. Lincoln Street, Park Board President, said the only exception for hours was if the Park District would have a contract to rent the facility.

Alderspersons Tripp and Leach said that was what they wanted to hear.

Mr. Steczo said they did not want to compete with downtown businesses.

Mayor Swedberg said he wanted the restriction “with a rental agreement in place otherwise noon until dusk” stated in the ordinance.

Aldersperson Maness asked if the golf leagues wanted to rent the place each week in order to stay open until 10:00 p.m. could they and Mr. Steczo said he thought that would be cost prohibitive, but the possibility exists. Ms. Maness said she did not want the Park District Clubhouse to operate like a bar.

Mr. Nicklas said he would bring back an ordinance with language referring to a rental agreement for the extended hours at the next meeting.

Aldersperson Kessler said they are supportive of special events and simply want the language cleaned up.

Aldersperson Paulsen asked if the Park District will collect Restaurant and Bar Tax and Mr. Steczo said he would research that. Manager Nicklas asked if they would be willing to pay the tax even if the law said otherwise and Mr. Steczo said he would look into that, also.

Mayor Swedberg said Ordinance 2004.14 would remain on 1st reading.

E. Ordinance No. 2004.15—An Ordinance Amending Title 9, “Building Regulations,” Chapter 7, “Fences,” Section 97-3, “Height and Location Restrictions,” of the City Code of the City of Sycamore, Illinois. First and Second Reading.

Manager Nicklas said the Plan Commission reviewed this in May before coming before Council. He said they tried to deal with the interest of people desiring a higher fence. Mr. Nicklas said this goes as far as staff and Plan Commission want to go to modify the fence regulation.

Motion

Aldersperson Maness moved to hear Ordinance 2004.15 on first and second reading and Aldersperson Stowe seconded the motion.

Aldersperson Leach asked if this addresses the fence issue of 3 front yards that was up before the Plan Commission and he said it addresses part of the issue and Mayor Swedberg said it allows them a fence.

Aldersperson Paulsen asked if this addressed the Heron Creek variance request and Building Commissioner Lyle Doty said it does not, because of the distance requirement. Aldersperson Tripp inquired why that fence was still up and Mr. Doty said they were waiting for this ruling.

Voice Vote

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

Motion

Aldersperson Stowe moved to approve Ordinance 2004.15 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.

F. Ordinance No. 2004.16—An Ordinance Ascertaining the Prevailing Wage for Public Works in the City of Sycamore, Illinois. First and Second Reading.

Manager Nicklas said this ordinance satisfies a State Statute.

Motion

Aldersperson Maness moved to hear Ordinance 2004.16 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 2004.16 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.

RESOLUTIONS

A. Resolution No. 450—Revising the Downtown Improvement Program.

Manager Nicklas explained that this resolution makes some minor changes in the Downtown Improvement Program to reflect the Council's interest in converting the loan program to a grant program. The initial program, instituted in 2003, provided loans at no interest of up to \$5,000 with a repayment term of two years. He said the revised program will provide up to \$5,000 in matching-grant funds for qualified downtown property owners, subject to available capital funding.

Aldersperson Paulsen asked if there is only \$5,000 available per year and Mr. Nicklas said there would be \$25,000 available.

Motion

Aldersperson Stowe moved to approve Resolution 450 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.

CONSIDERATIONS

A. Consideration of a Public Works Department Recommendation to Award the Contract for a Brush Chipper to Vermeer Midwest, Inc. of Aurora for a Vermeer Chipper in the Amount of \$26,747.72.

Manager Nicklas said Superintendent Busse has done a thorough job in creating a spec sheet and getting the bids for the chipper. Mr. Nicklas said this piece of equipment will expedite branch pickup by requiring fewer trips when collecting branches after storms.

Motion

Aldersperson Bauer moved to accept the Vermeer Midwest, Inc. bid of \$26,747.72 and Aldersperson Paulsen seconded the motion.

Aldersperson Maness asked what would become of the chip piles and Superintendent Busse said they would create a public distribution site. Aldersperson Maness said they should develop a policy as to how to distribute the chips.

Voice Vote

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

B. Consideration of a Closed Session to Discuss Closed Minutes.

Motion

Aldersperson Paulsen moved to go into Closed Session at 8:35 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 7 -0.

Motion

Aldersperson Bauer moved to return to Open Session at 8:50 p.m. 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 7 -0.

APPOINTMENTS

None

ADJOURNMENT

Motion

Aldersperson Stowe moved to adjourn the meeting at 8:50 p.m. 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.

Approve:

Mayor – John L. Swedberg

Attest:

City Clerk – Candy Smith