

SYCAMORE CITY COUNCIL
AGENDA
July 3, 2006

City Council Committee Meetings

No Meetings Are Scheduled

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Regular City Council Meeting
7:00 P.M.

- 1. CALL TO ORDER**
- 2. INVOCATION**
- 3. PLEDGE OF ALLEGIANCE**
- 4. APPROVAL OF AGENDA**
- 5. AUDIENCE TO VISITORS**
- 6. CONSENT AGENDA**
 - A. Approval of the Minutes for the Regular City Council Meeting of June 19, 2006.
 - B. Approval of the Minutes for the Special City Council Workshop Meeting of June 20, 2006.
 - C. Payment of the Bills for July 3, 2006.
- 7. PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.**
 - A. Sycamore Economic Development Commission member Jim Huntley will present Chuck Criswell, owner of Chuck's Auto Center at 1625 DeKalb Avenue, who will describe his firm's services and the upcoming "Turning Back Time" car show.
 - B. Presentation of the Annual Report of the Sycamore Public Library by Executive Director Sarah Tobias.
- 8. REPORTS OF OFFICERS**
- 9. REPORTS OF STANDING COMMITTEES**

10. PUBLIC HEARINGS--None

11. ORDINANCES

A. Ordinance No. 2006.15—An Ordinance Approving a Collective Bargaining Agreement Between the City of Sycamore and the International Association of Firefighters, Local 3046 in the City of Sycamore, Illinois. First and Second Reading.

The labor contract between the City of Sycamore and IAFF Local 3046 called for both parties to “re-open” two of the fifty-three articles (Article 22, “Wages,” and Article 35, “Health Benefits”) in 2006 for re-negotiation. Negotiation on these articles began in January and was completed with a tentative agreement on June 13, with the assistance of a federal mediator.

The parties have agreed to the following:

- a) No change to Article 35, “Health Benefits.”
- b) A 4% wage step increase in FY07 (retroactive to May 1).
- c) A 4% wage step increase in FY08 (beginning May 1, 2007 through April 30, 2008).

The IAFF membership ratified the tentative agreement on June 12. If approved, the Sycamore firefighters will receive wages at the median pay for firefighters in comparable cities, including Rochelle, South Elgin, and Winfield (see the attached table). In addition, the increase in the entry-level pay step will make the Sycamore Fire Department more competitive in the region.

City Council approval is recommended.

B. Ordinance No. 2006.16—An Ordinance Approving an Economic Incentive Agreement Between the City of Sycamore and Jewel Food Stores, Inc. First and Second Reading.

At the special Council workshop meeting of June 20, the Council unanimously directed the City Manager to prepare an incentive agreement with Jewel Food Stores, Inc. that had the following features:

- a) In consideration of Jewel’s substantial investment in off-site and limited on-site improvements of a public nature, the City will extend a sales tax rebate until such time as the value of the improvements has been reimbursed on a 50/50 basis. The maximum amount of the retail sales tax rebate relating to the qualified infrastructure improvements shall be determined by the actual cost of the improvements, as verified by the City Engineer.
- b) The qualified improvements which the developer will complete include the following:
 - 1. Off-Site Improvements
 - aa) Peace Road at Ward Boulevard
 - Permanent Traffic Signals
 - Traffic Signal Interconnect
 - Eastbound Right Turn Lane
 - Stripe Westbound Left Turn Lane
 - Reconfigure Ward Boulevard Approach
 - bb) Peace Road at Right Turn In Only
 - Eastbound Right Turn Lane
 - Reconfigure Median to Barrier
 - cc) Illinois 23 at Site Access

- Southbound Right Turn Lane
- dd) Design Fees Related to (a) Through (c), Above.
- ee) Construction Contingency Related to (a) Through (c), Above

2. On-Site Improvements

- aa) Extension of Landscaped Berm Along Neighboring Residential Properties
 - bb) Extension of Sewer Lateral from Ward Boulevard
 - cc) Construction of Bike Path Along Peace Road Frontage
- c) In April of each year, the City Treasurer shall pay to the Developer an amount equal to 50% of the accrued “Monthly Distribution” from the Illinois Department of Revenue for the previous twelve-month calendar period, i.e., the preceding January 1st through December 31st, based on the reconciled sales tax reports submitted by the Developer. “Monthly Distribution” in this instance means the sales taxes that the City receives for Lots 1 & 2 from the Home Rule Municipal Retailers’ Occupation Tax Fund and the State’s Local Government Tax Fund or their replacement funds. It is understood that no disbursements shall be made by the City to the Developer prior to the City receiving the appropriate sales tax reports.
- d) In order for the City to determine the amount of sales tax that is generated from the commercial development and depicted on Lots 1 and 2 of the approved final plat (the lots comprising the Jewel/Osco and Jewel Express buildings), the Developer shall provide the City with an IDOR Consent Form-Letter of Authorization, addressed to, and authorizing, IDOR to release to the City all gross revenue and sales tax information submitted to IDOR by the Developer on a monthly basis. However, in the event that IDOR does not make available to the City such information, then, prior to all payments by the City of any sums to the Developer as provided for above above, the Developer will deliver to the City by February 1st each year exact copies of any and all sales tax returns (e.g. Form ST-1 or Form ST-2), sales tax reports, sales reports, amendments, or any other information, whether paper or electronic, filed with the State or other appropriate governmental entity for the preceding calendar year (January 1st through December 31st).
- e) For purposes of this Agreement, the use of the terms “sales tax” and “sales tax revenue” shall be construed to refer (i) to that portion of taxes imposed by the State for distribution to the City pursuant to the Retailers’ Occupation Tax Act, and the Service Occupation Tax Act and the Home Rule Municipal Retailers’ Occupation Tax Fund (as said Acts and/or Fund may be amended) generated from the Property and which are collected by the State and distributed to the City; (ii) any other sales tax or similar tax that may be enacted by the State, generated from the Property, and collected by the State and distributed to the City; and (iii) any revenues derived by the City from any tax on receipts from sales which is enacted to replace, in whole or in part, the above referenced taxes except for any increased sales tax revenues that are required by State law to be used for a purpose other than as set forth in this Agreement.

- f) This Agreement shall become effective as of the first day of the month that the City receives monthly distributions from any of Lots 1 or 2.

City Council approval is recommended.

12. RESOLUTIONS--None

13. CONSIDERATIONS

A. Consideration of a Recommendation from the City Engineer Regarding Bids for the Extension of a Sanitary Sewer Main Along Illinois Route 64.

The City's FY07 capital plan anticipates the City's extension of about 2,050 linear feet of sewer main from the 42-inch trunk line west of Illinois Rt. 64 and Peace Road to the east boundary line of the former Hove property at the southeast corner of that intersection. The sewer line will be installed within the south right-of-way line of IL Rt. 64 and will have a 12-inch diameter up to the Hove property, from which the diameter will be reduced to 10 inches. This extension will open up all corners of the intersection of Rt. 64 and Peace Road for commercial development.

The project will additionally provide a starting point for the sewer extension to be completed and financed by the First Rockford Group. First Rockford will connect to the new sewer at Peace Road and IL Rt.64 and take the main southward within the west right-of-way of Peace Road to First Rockford's commercial site, in order to serve that site and the intervening Simon Farm. The First Rockford sewer project will also replace the small force main that presently serves the Foxbriar condominium development.

Bids were received on Tuesday, June 27, at 10:00 a.m. The low bidder was Anderson Underground of Belvidere in the amount of \$165,770.00. A copy of the bid summary is attached. The low bid was 14.81% below the City Engineer's estimated cost of \$190,315.00. City Engineer John Brady recommends the Council's approval.

City Council approval of the City Engineer's recommendation is requested. The funding for this project will be provided by the Sewer Impact Fee Fund (05-8633).

B. Consideration of a Recommendation from the Public Works Superintendent to Award a Contract for a Replacement Backhoe.

In the FY07 capital budget, the Capital, Sewer, and Water funds were each slated to provide a one-third share of a replacement backhoe, estimated to cost about \$60,000. The machine to be replaced is a 1992 Case 580 SK backhoe, which would provide some value as a trade-in.

The call for bids was published locally on June 9 and June 14, and vendors who have previously worked with the City were notified by mail. Four vendors submitted bids, and the individual bids are shown on the attached tabulation sheet. The low bidder, West Side Tractor, submitted a bid for the backhoe in the amount of \$78,600 and offered a trade-in value of \$19,800 for the City's machine, for a total bid of \$58,800. The West Side Tractor bid is within the City's specifications and budget estimate.

City Council approval is recommended.

C. Consideration of an Administration Review of Options to Protect the Historic Downtown Streetscape.

The City staff is currently soliciting façade grant applications from State Street businesses. As we enter the third year of the downtown façade grant program (the initial loan program became a grant program in 2004), the City Manager recommends a renewal of a Council discussion held several years ago concerning how the City can preserve the “look” of improvements made by downtown businesses and partially financed by public capital funds.

On July 21, 2003 the Council took up a request from the Ad Hoc Architectural Review Committee for further direction regarding the “look” desired in the downtown business district before any additional City assistance was considered. This led to some discussion about how the Council might arrive at a consensus about the desired look of downtown facades, and then what regulations might be necessary to assure that the look would be maintained.

The 2003 workshop led to an action plan. Consultant proposals were invited to (a) document how the State Street streetscape looked, block by block, from Sacramento Street to Main Street and (b) to develop some renderings of how we want to look along the same portion of the State Street corridor. After the Council’s consideration of various proposals, a contract was entered with Miniscalco Architects of St. Charles and the company’s architectural renderings were submitted to the Council, the Plan Commission, and the Ad Hoc Architectural Review Committee on December 15, 2003. A copy of those renderings is attached.

Since December of 2003, the Ad Hoc Architectural Review Committee has used the renderings to determine eligibility and to prescribe the desired results from any façade grants. This heightened interest is consistent with the 2003 Comp Plan’s directive to “assure that the historic building facades in the downtown area are preserved, and that future signage and uses are more appropriate to the community’s self-image (p. 58)”.

Some options remain for public action, as identified in the summer of 2003:

- ✓ The formulation of an “overlay” in our zoning code to establish the desired downtown look as public policy, not unlike the Urban Design Standards the Council approved in October 2001. Such an approach would encourage voluntary cooperation.
- ✓ The formulation of a regulatory approach requiring property and business owners to allow publicly-appointed officials to comment upon, or even condition, any plans to alter the appearance of their property. Such reviews would be performed by a permanent historical commission.

A zoning overlay can be generated by the City Manager and staff for Council review this fall, if the Council so directs.

Whether the Council wishes to move toward a more rigorous regulatory approach is a more challenging policy issue. Such an approach, at a minimum, would require making the Ad Hoc Committee permanent, in the form of an historical commission. This commission could take up the present duties of the Ad Hoc Committee with respect to grant requests, and also take on some expanded duties, such as reviewing downtown façade improvement plans in an advisory capacity, regardless of whether the building owners may request grant assistance. If exercising an advisory role only, they would recommend measures to property owners wishing to make certain alterations but would not “veto” the owners’ plans. While such oversight may delay work for a period of several weeks, it would offer a third party’s view of intended alterations in keeping with design standards identified by the Council. It should be noted that such advisory commissions couldn’t prevent adverse alterations from occurring. An advisory commission could also devote its energies to the designation of historic structures, with the Council’s approval. The City presently has a 99-acre historic district of which the downtown is a part. The broad district includes 209 structures (excluding garages and other minor outbuildings), 40 of which possess special historic or architectural significance, but few are listed on the state or national registers.

At a later point in time, once an historic commission was experienced in its new role, the relevance and wisdom of a more substantial role for the commission could be explored by the Council. In larger municipalities with long-established historic preservation commissions, such bodies sometimes have the authority to

- Adopt their own procedural rules;
- Conduct surveys of historically significant structures;
- Recommend the adoption of ordinances designating properties or structures as landmarks on local registers and the National Register;
- Recommend certain districts or groups of properties as historically or architecturally significant;
- Maintain a local register of designated structures and properties;
- Determine the appropriateness of certain historic markers;
- Advise property owners of procedures for including their structures on the National Register;
- Educate local residents on the value of historic preservation;
- Establish specific design guidelines for the alteration of structures;
- Hold public hearings on applications for construction, reconstruction, or alteration of designated landmarks;
- Review and recommend zoning amendments, variances, and special use applications in concert with city zoning boards and planning commissions;
- Accept and administer preservation grants in behalf of a municipality.

As explained in 2003, there are some cautions associated with the creation of a regulatory structure and an historical preservation commission with such clout. Property owners have challenged historic preservation ordinances on the following grounds:

- a) “Takings” argument. The Fifth Amendment to the U.S. Constitution reads in part: “Nor shall private property be taken for public use, without just compensation.” The U.S. courts have found, however, that a “taking” occurs

when a public body denies all reasonable use or return from a property. This is almost never the case when only certain alterations are prohibited.

- b) Due process. In recent years, historic preservation ordinances have become more sensitive to procedural issues and are seldom successfully challenged on this basis. Challenges could be successful if it is shown, for example, that the criteria for landmark designation are vague; or the standards for the review of alterations are vague; or no clear time limits are provided in the Commission's review of alterations; or adequate notice is not given to property owners.
- c) Equal Protection. With reference to the Fourteenth Amendment's prohibition of discrimination in the application of the law, some challenges have argued that preservation ordinances single out certain landowners but not others. These challenges are also usually unsuccessful so long as there is a fair and public process of review, and no deliberate effort to exclude any eligible property over time.
- d) Economic hardship. Denial of an alteration permit may result in increased costs to the property owner, and sometimes it is more expensive to renovate in a historically sensitive manner. However, when there is evidence that historically-sensitive renovations in an area add value to properties, and if the presumed increase in property value offsets the estimated cost of the more compatible alterations over a reasonable timeframe, the challenge is unlikely to succeed.
- e) Owner Consent. With respect to historic nomination and designation procedures, owner consent is not necessary. Courts have likened such procedures to the land planning prerogatives of municipalities that entitle them to determine the most desirable land uses within their planning boundaries, regardless of property owner preferences. Owner objection can keep a property from being individually listed on the National Register, but Commissions can succeed in getting the National Trust for Historic Preservation to consider a property "eligible" for listing, and thereby prevent federal funds or agencies from aiding in unauthorized alterations or demolitions.
- f) Political Remorse. Some City Councils have regretted sharing their "prerogative" over land use decisions with historic commissions. Councils that delegate their ultimate authority over certain land use decisions to appointed groups of "experts" are open to the criticism that they have removed certain economic decisions from public servants more directly accountable to representative political processes.

The City Manager recommends the pursuit of a downtown zoning overlay and community discussion of a permanent historical commission with advisory authority only. City Council direction is requested.

14. OTHER NEW BUSINESS

15. APPOINTMENTS

16. ADJOURNMENT

