
SYCAMORE CITY COUNCIL – REGULAR MEETING
MINUTES OF JANUARY 3, 2006

ROLL CALL

Mayor Ken Mundy called the meeting to order and Clerk Candy Smith called the roll. Those Alderpersons present were: Grace Adee, Alan Bauer, Terry Kessler, Darren Knuth, Barbara Leach, Cheryl Maness, and Chuck Stowe. Alderperson Pete Paulsen was absent.

INVOCATION

Mayor Mundy asked for a quiet moment of reflection.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Motion

Alderperson Maness moved to approve the agenda and Alderperson Leach seconded the motion.

Voice Vote

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

AUDIENCE TO VISITORS

Peter Springmire, 13941 North Grove Road, said there had been so many changes to the preliminary plat for the Primm property that he questioned which one was correct. He asked that the widening of North Grove Road be done only to the south so as not to disrupt the existing homeowners' front yards. He said they are not against the subdivision, but deserve attention to detail even though they are not part of the City of Sycamore. He asked to table the issue until their differences are resolved with the developer.

Christel Springmire, 13941 North Grove Road, said she would welcome this development if their issues can be resolved. She said she would welcome new neighbors. She said the present plan calls for curb to end in the middle of her front yard and she asked that the curb end at her driveway or at her western property line. She said their septic system discharges just shy of the road ditch and they need a place for their treated sewage to go. She wanted assurance in writing that their driveways be put back.

Cathy Lampkins, 13985 North Grove Road, said they have not heard from John Pappas or his attorney since the December 19, 2006 meeting and since then she and neighbors Millers, Springmires, and Swarts have hired an attorney. She said they want to make sure their homes are not invaded by headlights and that the aesthetics of their homes remain. She asked Council to delay their decision on the Primm property so she and her neighbors can reach an agreement with John Pappas.

Marty Swarts, 13803 North Grove Road, apologized for her behavior at a previous meeting when Mr. Nicklas said the City could take her property on the south side of North Grove Road. She said there are non-recorded easements on her property. She is concerned about headlights and turning lights going into her shop and her living room and suggested realigning the road. She asked for more time to get agreements into writing.

Teresa Way, 13897 North Grove Road, asked Council to have some consideration for the existing homes and families. She asked Council to demand that the water drainage systems be addressed before any commercial or residential building.

Mike Liszka, 470 Lincolnshire Dr., asked for further information regarding the Whitwell developer receiving credit against the \$3,000/lot contribution. He did not understand why the City would offer credit when going for a Real Estate Transfer Tax referendum.

Manager Nicklas said the \$3,000 is in addition to property tax and impact fees. He said this will cover at least \$3,000 if the real estate transfer fee does not pass or as the difference of a real estate transfer fee of less than \$3,000.

Earl Gable, 327 Somonauk St., said he would like the City to wait another 10 or 12 months before approving another annexation.

CONSENT AGENDA

- A. Approval of the Minutes for the Regular City Council Meeting of December 19, 2005.
- B. Payment of the Bills for January 3, 2006 in the amount of \$92,205.82.

Motion

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

Voice Vote

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

PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.

REPORT OF OFFICERS

Manager – Bill Nicklas said he hoped to have preliminary general fund spending numbers at the next meeting.

Engineer – John Brady said now that Well #9 is on line he will be working on final papers to finish off the loans to move on to Wells 6 & 8.

Building & Zoning – Lyle Doty said the preliminary numbers for 2005 activity are robust and will have a 2005 report next meeting.

Assistant Fire Chief – Cary Niewold said 2005 was the busiest year ever and at a future meeting they would provide the statistics.

Treasurer/Asst. City Manager – Brian Gregory said the December benchmark was 66.6% and the revenues are tracking at 76% and the expenditures at 56%. He said all the field work for the census should be completed by the end of January.

Public Works Supt. – Fred Busse said they will remove snow from 177-lane miles of streets. There have already been 14 events and they have used 750 tons of salt and traveled about 4,100 miles. He said last year there were 20 events total and we are not halfway through the winter months.

Water Supt. – Ebe Smith reported that Well #9 is online, thanked the elected officials for attending a viewing earlier in the evening, and asked the residents to call the Water Department if they experience water problems.

Police Chief – Don Thomas said there is an ordinance on the agenda addressing bringing state law to the local level for more effective enforcement. He said the fines for the ordinance violations will be more unified at \$50 for the first offense and \$100 for subsequent offenses. He said the fine for parking in a handicapped parking space will be \$250.

Mayor Mundy said they are all happy and pleased that Well #9 is online and thanked Water Department, Engineer, and local contractors for their work.

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. 2005.69—An Ordinance Concerning the Recommendation of the Plan Commission Regarding the Petition of Margaret and Jack Whitwell and Whitwell Farms, LLC for an Annexation Agreement, Annexation and Rezoning to “R-1” One Family Residence District for a Planned Unit Development on a 261-Acre Property Located on Both Sides of Lindgren Road, Approximately One Mile East of Plank Road, in the City of Sycamore, Illinois. Second Reading.**

Manager Nicklas listed the features of the preliminary plan as follows:

- 1. Land Uses. The following table depicts the various land uses:

	Acres	Percentage
Single Family Lots	126	48%
Private Parks & Conservation Areas	76	29%
Public Park Land	6	2%
Public Road Right-of-Way	53	21%
Total	261	100%

- 2. A gross area of 261 acres and a gross density of 1.46 units per acre;
- 3. A total of 381 single-family detached home lots. Based on the provisions of the City’s permit constraints (Ordinance 2005.60), the first permit could not be issued until 2010, and no more than 50 permits could be issued per year.
- 4. Two main entrances on Lindgren Road and one on Swanson Road;
- 5. A circulation of traffic through the subdivision via seven outlets, including the main entrances.

6. An arrangement of private park space and publicly dedicated park space as is typical of the adjacent B&B developments. Park District action on the proposed dedication has not yet occurred. If the District determines that a public park is not in the District's interest, the park area would be built but maintained by the homeowner's association.

He said the principal terms of the annexation agreement are as follows:

1. The Name. "Whitwell Farms" ties the development to its historic family farm roots.
2. The Term. The agreement runs for twenty years.
3. Performance Guarantees. The developer shall provide an irrevocable letter of credit for the public improvements on the site.
4. School Contribution. As with the B&B annexation agreements approved in October, the proposed agreement acknowledges the current public/private initiative in behalf of a new funding source for the School District's operational priorities (Paragraph 15). The Council is aware of the recent work of Mayor Mundy's ad hoc Committee on Growth Management and its support for a real estate transfer tax. Based on a review of all Sycamore real estate transactions in 2004, the ad hoc Committee believes it is reasonable to assume that the proposed transfer tax, with exemptions, will generate sufficient new revenue to annually offset the projected imbalance in school operating funds over the next ten years. Since the proposed tax can only be imposed by a referendum and the next general election is March 21, 2006, the annexation agreement must anticipate both a successful and an unsuccessful referendum to assure that a comparable level of school funding is provided. How can this be done? The Developer agrees to pay a \$3,000 per unit "voluntary fee" to the School District in addition to any applicable impact fee.

The \$3,000 threshold is based on the findings of a recent independent fiscal study and City and School data. Based on the 2000 Census data and more recent occupancy data collected by the City's Building department over the past 20 months, the City's new households have an average of .7 students (about two-thirds of all new households have no children). The average new household is thus about 2.7 persons. The independent fiscal study presented in the spring of 2005 reports a net School operating imbalance of \$8,469,503 over the period 2005 to 2015. At the 2004-2005 enrollment level, this would be a funding shortfall of \$2,777 per student (\$8,469,503/3050). The developer has agreed to "round up" the "voluntary" donation to \$3,000 per home, payable at the time of permitting in the same manner as impact fees. If the planned referendum on a transfer fee is successful, this contribution would be a "credit" against any transfer fee obligation. If the referendum is unsuccessful, every house permit would generate a \$3,000 voluntary donation to be applied to School operating needs.

5. Impact Fees. Impact fees shall be assessed at the rate in effect at the time a permit is issued, allowing the rates to float upward over time as the City Council determines their appropriate levels with the advice of local taxing bodies.
6. Park Contribution. The developer will comply with the UDO requirements relative to the Park District land-cash ordinance.
7. Water and Sewer Main Extensions. The developer shall provide proper storm sewer, sanitary sewer and water main systems in accordance with the City's standards and at the developer's sole expense.
8. Variations. There are no proposed variations from City policies or practices.

He said the traffic study has been completed and the petitioner would need to follow the new building pacing schedule. He asked developer Greg Derrico if he would like to give a presentation.

Greg Derrico, Derrico Custom Homes, St. Charles, said that Land Vision was not available to attend the meetings and he did not feel he had anything to add to Mr. Nicklas' background. He said he would be happy to field any questions.

Mayor Mundy said it is preferred to have the whole Corporate Body in attendance when voting on annexations and since Alderperson Paulsen was absent he asked for a motion to postpone action.

Motion

Alderperson Maness moved to postpone action on Ordinances 2005.69 and 2005.70 until January 16, 2006 and Alderperson Knuth seconded the motion.

Voice Vote

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

B. G. Ordinance No. 2005-70—An Ordinance Annexing the 261-Acre Property Located on Both Sides of Lindgren Road, Approximately One Mile East of Plank Road, in the City of Sycamore, Illinois. Second Reading.

Action was postponed in a motion for previous item.

C. Ordinance No. 2005.71--An Ordinance Concerning the Recommendation of the Plan Commission Regarding the Petition of Charles and Betty Primm and John Pappas for an Annexation Agreement, Annexation and Rezoning to "R-1" One Family Residence District and "C-3" Highway Business District for a Planned Unit Development on a 99-Acre Property Located West of Illinois Route 23 and South of North Grove Road in the City of Sycamore, Illinois. Second Reading.

Ron Klein, 2045 Aberdeen Ct., said he has represented Primm's for the past 35 years and knows they are interested in the Sycamore community. He said about a year ago they were approached by John Pappas to consider developing their property and they feel he is a local developer with a good reputation. He said the Primm's feel this plan will be good for Sycamore.

Manager Nicklas went through the preliminary plan and annexation agreement features as follows:

1. Land Uses. The following table depicts the various land uses by their relative area:

	Acres	Percentage
Commercial Lots	24.29	24.53%
Single Family Lots	48.09	48.57%
Private Parks & Conservation Areas	8.15	8.23%
Public Park Land	0	0
Public Road Right-of-Way	18.49	18.67%
Total	99	100%

2. The commercial zoning has a gross area of 24.29 acres and features 9 commercially-zoned lots including the Primm residence. The Primm's intend to reside on Lot 302 for the present, but once they relocate the lot will be dedicated to commercial uses.
3. The residential zoning has a gross area of 48.09 acres and a gross density of 2.22 units per acre. There are a total of 107 single-family detached home lots. Based on the provisions of the

- City's permit constraints (Ordinance 2005.60), the first permit could not be issued until 2010, and no more than 35 permits could be issued per year.
4. The commercial uses would primarily be served by the intersection of Northgate Drive and IL Rt. 23. The residential uses would primarily be served by North Grove Road and Frantum Road.
 5. A circulation of traffic through the subdivision via seven outlets, including the main entrances.
 6. A regional bike path extension along the south side of North Grove Road that extends south on Primm Drive to the commercial uses and then to the Camden Crossings subdivision. There is also a walking path around the main detention pond.
 7. The rural design for improvements to North Grove Road, except that portion that will fall within IDOT's intersection design standards, means that North Grove Road rather than Whipple Road will be the northern edge of the City's future development on the west side of IL Rt. 23. Given the diminishing capacity for further sewer hookups in the northeast quadrant, the staff believe the Comp Plan's expectations for low density residential growth north of North Grove Road and west of IL Rt. 23 are no longer realistic.
 8. Consistent with rural roadway design noted in Item #7, the entry feature planned for the intersection of IL Rt. 23 and Whipple Road has been relocated southward to Lot 301. Should Mr. Pappas come into control of the Johnson property at the southwest corner of IL Rt. 23 and North Grove Road, the entry feature can be moved northward to that property. A significant landscaped entry feature for Sycamore's northgate has been a part of the Comp Plan since 2000. If the Council approves this development, the City's north-central boundary and its entry feature would be moved to the vicinity of North Grove Road.
 9. Frantum Road will be rebuilt to an urban standard to conform with the existing design of Frantum to the south.

The Annexation Agreement

The principal terms of the annexation agreement are as follows:

1. The Name. "Primm Prairie Subdivision."
2. The Term. The agreement runs for twenty years.
3. Performance Guarantees. The developer shall provide an irrevocable letter of credit for the public improvements on the site.
4. School Contribution. As with the Whitwell agreement, the proposed agreement acknowledges the current public/private initiative in behalf of a new funding source for the School District's operational priorities (Paragraph 15). Since the proposed transfer tax can only be imposed by a referendum and the next general election is March 21, 2006, the annexation agreement must anticipate both a successful and an unsuccessful referendum to assure that a comparable level of school funding is provided. The Developer agrees to pay a \$3,000 per unit "voluntary fee" to the School District in addition to any applicable impact fee.
5. Impact Fees. Impact fees shall be assessed at the rate in effect at the time a permit is issued, allowing the rates to float upward over time as the City Council determines their appropriate levels with the advice of local taxing bodies.
6. Park Contribution. The developer will comply with the UDO requirements relative to the Park District land-cash ordinance.
7. Water and Sewer Main Extensions. The developer shall provide proper storm sewer, sanitary sewer and water main systems in accordance with the City's standards and at the developer's sole expense.
9. Variations. There are no proposed variations from City policies or practices.

Mr. Nicklas said he had been meeting with the neighbors to the north regarding some issues and he feels there is confidence that the storm water structures will be a benefit to their water problems. He said that any disrupted driveways will be replaced based on our codes and ordinances, suggested adding language to the

agreement to push the reconstructed roadway as far south as possible as determined by IDOT, and lengthen and flatten curve to the west. Mr. Nicklas said the annexation plat has been specifically created to address contested ownership of a slice of property of less than 1/40th of an acre that will not be annexed. He said it is the City's intention to maintain that portion if not annexed.

John Pappas, 3 Fairway Cir, DeKalb, said the list of neighbor concerns he received Friday afternoon will be incorporated in the engineering plan.

Alderson Leach asked the price range of the homes.

Mr. Pappas said between \$450,000 and \$550,000.

Robert Krupp, Krupp & Krupp, 3281 Commerce Dr, DeKalb, said the proposed plan conforms to the City's Comp Plan. He said that Mr. Pappas has gone above and beyond the City's requirements and they have agreed to the neighbors engineering revisions. He said this is a bonded project which assures performance so the neighbors need not worry.

Mark Gephart, Wendler Engineering, 1770 W. State St., said the entry roads coming off North Grove Road have been changed to accommodate the neighbors on the north side of the road.

Mr. Nicklas said the most recent preliminary plat should be made available to Council and to the public.

Alderson Bauer asked if there should be access to Primm Drive through lot 2.

Mr. Nicklas said it is better not to mix commercial and residential traffic.

Alderson Knuth said it looked like going east on North Grove the road goes progressively north and it is no longer centered.

Mr. Gephart said that is because the aerial photos are purchased and overlaid onto his drawings and are lined up as good as possible. He said the road will be centered through the right-of-way.

Alderson Stowe said that cutting through Lakeview from the commercial would probably create more congestion.

Charles Cronauer, 1101 DeKalb Avenue, Suite 2, said he represents the Millers, Swarts, Springmires, and Lampkins. He said there is still an issue of moving a fence on the Swarts property. He said that neither the fence nor the trees should be touched. He said the headlights and drainage issue seem to be resolved. He said that the 33' right-of-way will denigrate the property of his clients in that the right-of-way will extend into their front yards with curbing or a ditch. He said they want to be good neighbors. He said he has concerns with the language in the staff proposed language revision. He said he would like to see exactly where the road will go.

Alderson Stowe said a lot will be determined by IDOT and he did not think they would work with us until this is annexed.

Mr. Cronauer said they need to agree where the road will be and deal with IDOT later.

Mr. Nicklas said the City is not in a position to know exactly where the road will go.

Mr. Cronauer said the trees are not in the right-of-way and should not be touched.

Mr. Nicklas said some of the trees are in the right-of-way, but not near where the road surface or ditch would be. He said the closest would be near the Swarts property and Mr. Pappas said he would agree to relocate the fence.

Mr. Cronauer said his client is adamant that the fence is not to be moved.

Mr. Nicklas said there is probably middle ground.

Mayor Mundy said as in the case of the other annexation he would like a motion to postpone action.

Motion

Aldersperson Kessler moved to postpone Ordinances 2005.71 and 2005.72 until the January 16, 2006 meeting and Aldersperson Adey seconded the motion.

Aldersperson Bauer said he expected all parties to have an agreement at the next meeting so the Council will know what they are voting on.

Voice Vote

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

- D. Ordinance No. 2005.72—An Ordinance Annexing the 99-Acre Property Located West of Illinois Route 23 and South of North Grove Road in the City of Sycamore, Illinois. Second Reading.**

Action was postponed in a motion for previous item.

- E. Ordinance No. 2005.76—An Ordinance Amending the Combined Annual Budget and Appropriation Ordinance for Fiscal Year 2005 to 2006 in the City of Sycamore, Illinois. First and Second Reading.**

Manager Nicklas explained that at the last meeting Council approved a \$350,000 grant/loan package for Driv-Lok and this ordinance makes the necessary changes in the budget.

Motion

Aldersperson Bauer moved to hear Ordinance 2005.76 on first and second reading and Aldersperson Leach seconded the motion.

Voice Vote

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

Motion

Aldersperson Kessler moved to approve Ordinance 2005.76 and Aldersperson Stowe seconded the motion.

Roll Call Vote

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

F. Ordinance No. 2005.77—An Ordinance Approving a Lease Agreement Between the City of Sycamore and Le Print Express. First and Second Reading.

Manager Nicklas explained that Nancy Perkins has agreed to lease the first floor retail space in the Sycamore Center for a second location for her custom graphic services business Le Print Express. He listed the terms of the triple-net lease as:

- Term: The base lease is for five (5) years, with an option to renew for two additional five-year terms upon the mutual consent of the parties;
- Rent: \$1,167 per month (\$11.67 per square foot) plus utilities, taxes, and insurance for the first three years, with an escalator in each of the fourth and fifth years equal to 5% or the increase in the Consumer Price Index, whichever is greater. A similar escalator would attend any year in a renewal period.
- Taxes, Insurance and Utilities: The tenant will pay \$20 per month for trash removal, and a pro-rata share of the gas and electric costs associated with the private spaces within the building. The tenant will also carry property, casualty and liability insurance for the leased space.

Motion

Aldersperson Maness moved to hear Ordinance 2005.77 on first and second reading and Aldersperson Kessler seconded the motion.

Mr. Nicklas said it was a joy working with Ms. Perkins and looks forward to a long, good relationship. He said she will be a good addition to the downtown.

Voice Vote

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

Motion

Aldersperson Bauer moved to approve Ordinance 2005.77 and Aldersperson Leach seconded the motion.

Aldersperson Kessler said she has worked with Nancy for several family events and said her business will complement the existing stores downtown.

Roll Call Vote

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

G. Ordinance No. 2005.78—An Ordinance Addressing and Amending Various Code Provisions Relating to Quasi-Criminal Activities Within the City of Sycamore, Illinois. First and Second Reading.

Chief Thomas said this ordinance will eliminate a lot of paperwork for state law petty offenses. He said he has chosen 12 offenses most commonly written in Sycamore and the violator will pay the City Clerk the fine instead of going to court.

Aldersperson Kessler asked if a property owner has any say in the graffiti charge.

Chief Thomas said they have discovered that some property owners don't care if there is graffiti on their building and it is contagious.

Ms. Kessler said she was asking if the property owner wanted to press charges.

Chief Thomas said the ordinances are written for the convenience of paperwork, but the victim can take further action.

Motion

Aldersperson Stowe moved to hear Ordinance 2005.78 on first and second reading and Aldersperson Kessler seconded the motion.

Voice Vote

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

Motion

Aldersperson moved to approve Ordinance 2005.78 and Aldersperson seconded the motion.

Roll Call Vote

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

RESOLUTIONS - None

CONSIDERATIONS

A. Consideration of a Semi-Annual Report by the Sycamore Chamber of Commerce Regarding Ongoing Tourism and Community Development Activities of the Chamber.

Executive Director Rose Tremi reported that over the past 7 years the Chamber has averaged 20 to 30 new members and this year there are 104 new members. She said that tells her that the partnerships with the City, DCEDC, NIU, Park District, and County seem to be working. She said they work at luring business to the community and they strive to help existing businesses succeed. Ms. Tremi described the outreaching ad campaign that includes the Illinois Tourism Guide, The Traveler, The Voyager, Leisure Group Travel and Triple A Living Travel Magazine. She said they have distributed 10,000 Discover Sycamore Brochures to 20 different locations on I-88 and are in the process of updating that brochure. She said they distributed 12,000 holiday calendars to Sycamore and the surrounding communities. The walking tour brochure will be updated in 2006 and a tourism post card is being designed. Ms. Tremi reported that 18 vendors will be returning for next year's French Market. She said the name will have to be changed because French Market is copy righted. The downtown merchants reported the best Sunday summer ever and the 2005 Holiday season was also successful. She said the Block Party, Summer on State, Cruiser Night and the Car Show brought over 10,000 people to Sycamore. She said that ultimately they are trying to bring people to Sycamore to spend money to support the businesses and increase tax dollars. She thanked the City for their continued partnership to the Sycamore business community.

Motion

Aldersperson Maness moved to accept the report and Aldersperson Bauer seconded the motion.

Voice Vote

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

B. Consideration of a Report by City Intern Ryan Kelly Regarding His Research Into How the City of Sycamore Assesses the Potential Fiscal Impact of Residential Development.

Ryan Kelly reported that he will update the data which informs the “table of Estimated Ultimate Population per Dwelling Unit” generated by the firm, Illinois School Consultants. He explained that he will be going door-to-door in the new developments asking the number of bedrooms and the number of children living in the house. He said he will start the process January 14, 2006.

Aldersperson Bauer asked the significance in sampling only newer developments.

Mr. Kelly said he will be analyzing impact fees.

Aldersperson Knuth suggested also collecting data for those families with children moving into existing homes.

Manager Nicklas said this model is related to impact fees of new developments and targeting existing homes would be a follow-up study.

Aldersperson Stowe suggested noting the length of time the subdivision has been in existence.

APPOINTMENTS

None

ADJOURNMENT

Motion

Aldersperson Stowe moved to adjourn the meeting at 8:55p.m. and Aldersperson Leach seconded the motion.

Voice Vote

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

Approve:

Mayor - Ken Mundy

Attest:

City Clerk – Candy Smith