

SYCAMORE CITY COUNCIL
AGENDA
January 2, 2007

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 December 18, 2006.
 - B. Payment of the Bills for January 2, 2007.
7. **PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.**
8. **REPORTS OF OFFICERS**
9. **REPORTS OF STANDING COMMITTEES**
10. **PUBLIC HEARINGS--None**
11. **ORDINANCES**

A. Ordinance No. 2006.57—An Ordinance Amending Various Code Provisions Relating to Quasi-Criminal Activities Within the City of Sycamore, Illinois. First and Second Reading.

City Clerk Candy Smith, Police Chief Don Thomas, and City Attorney Keith Foster have collaborated on the attached ordinance to eliminate inconsistencies and to provide for court costs. Providing that court costs are added to fine amounts is a common practice. In some instances, the City Code assesses a fine that barely covers court costs, let alone an appropriate penalty or fine for an ordinance offense.

The attached ordinance also eliminates specific fines that may conflict with the general penalty provisions of the Code. In the case of parking fines, the initial fine for an expired meter remains \$0.25, but subsequent fines are higher and more consistently explained in the code passages. City Council approval is recommended.

B. Ordinance No. 2006.58—An Ordinance Amending Title 6, Motor Vehicles and Traffic,” Chapter 4, “Traffic Schedules,” Section 6-4-12, “No Parking Zones,” of the City Code of the City of Sycamore, Illinois. First and Second Reading.

On September 18 the City Council revised posted parking restrictions on a number of neighborhood streets in the First Ward (Ordinance 2006.32). The attached ordinance includes a few additional revisions to address some additional tight spots on narrow neighborhood streets where parking on both sides may present challenges to motorists and emergency vehicles. This ordinance is not meant to be an exhaustive follow-on enactment; the City staff are aware that Council members are still working up lists for a more comprehensive “clean-up” effort regarding on-street parking regulations.

City Council approval is recommended.

C. Ordinance No. 2006.59—An Ordinance Amending Title 6, “Motor Vehicles and Traffic,” Chapter 4, “Traffic Schedules,” Section 6-4-1, “Stop Intersections,” in the City Code of the City of Sycamore, Illinois. First and Second Reading.

City Engineer John Brady has prepared a list of stop intersections that need to be added to the City Code to reflect field conditions in Heron Creek, Phase 6 and North Grove Crossings. City Council approval is recommended.

12. RESOLUTIONS--None

13. CONSIDERATIONS

A. Consideration of an Administration Request for Direction Regarding a Negotiated Agreement with the Sycamore Park District and Dahlko, LLC.

An informal understanding has been reached between Mr. Keven Dahl, principal owner of Dahlko LLC, and the Sycamore Park Board regarding roughly 24 acres of land located south of the undeveloped, commercially-zoned parcel at the southeast corner of Mt. Hunger Road and N. Main Street. The land in question is almost entirely within the floodplain but is usable for passive recreational purposes such as walking paths as well as some limited active recreational uses that do not involve the erection of fixed structures that would impede any flood flows. Sycamore Park Director David Peek has confirmed that the Park

Board is willing to pay the full appraisal price of \$132,000 for the 24.04-acre parcel (about \$5,490 per acre).

Mr. Dahl's attorney, Richard Schmack, wrote the City in his client's behalf on November 13. In that letter (see attached), Mr. Schmack stated that Mr. Dahl *"is prepared to sell the land to the Park District if appropriate terms can be reached."* He requested the following:

"that, as partial consideration for this transaction, which will serve to bring much needed recreational facilities to this part of town, the City (will) enter into an agreement with Mr. Dahl regarding the following matters:

First, prior to Mr. Dahl's acquisition of the Townsend property, the previous developer had quit claimed, free of charge, certain land to the City as a well site. Apparently the City no longer has any use for this parcel. Mr. Dahl would like this tract quit claimed to him free of charge so that it can be re-integrated into the lands he is developing. The land should be conveyed to the American National Bank Trust that owns the surrounding land.

Second, Mr. Dahl owns a 26-acre tract north of Northtown Subdivision and south of Heron Creek. This land is not in the City and has grandfathered, court-ordered zoning for residential development. Mr. Dahl can develop this property in unincorporated DeKalb County provided that he can have access to City sewer and water on the same terms and conditions presently available for the existing residences in Northtown. Mr. Dahl would like for the City to permit access to sewer and water, and provide a letter of support for the development of a subdivision in unincorporated DeKalb County. This letter of support should include a waiver of any rights of the City to impose its own standards on the development, and should endorse a variation from the County's requirement of curb and gutters to allow the development on a rural cross-section with ditches, in accordance with the rest of Northtown Subdivision.

Third, Mr. Dahl is requesting on his own behalf, on behalf of Dahlko, and on behalf of the Daly Group (or any other entity which might purchase and develop the commercial parcel across from the Middle School) the following:

- a) Waiver of any further contributions by Dahlko or its assigns for road work on Route 23, Maplewood, or Mt. Hunger, including traffic control devices, whether or not occasioned by the commercial development of the Dahlko property.*
- b) Waiver of previously assessed and unpaid hook-up fees, subdivision or zoning fees, annexation fees, engineering or attorney's fees associated with the commercial development of the Dahlko property (i.e. the parcel across from the Middle School).*
- c) Waiver of any future fees of the sort set forth above.*

Finally, Mr. Dahl would like to have the City agree to postpone enforcement of the requirement that he or Dahlko relocate the 10-inch water main on the east side of Route 23, until the re-engineering of the commercial property is completed."

City officials met with Mr. Schmack and Mr. Dahl on November 20 to go over the terms described above. Since that time, the City Manager has had several conversations with Mr. Dahl and Mr. Schmack to clarify certain points. Further information that may be useful to the Council and for the public is offered below, in the order presented by Mr. Schmack's letter of November 14:

1. Vacation of roughly .4 acres set aside for a well site at the east end of the undeveloped, commercially-zoned parcel at the southeast corner of Mt. Hunger Road and N. Main. This parcel has frontage on Mt. Hunger Road. The City's 2000 and 2003 Comp Plans moved our interest in an additional well northward to a Plank Road or Whipple Road location. The Sycamore Creek II development has donated 4.55 acres at the northwest corner of the development, abutting Whipple Road, for a future water tower and well. Practically speaking, once the current well improvements at Wells 6 & 8 are completed and if we adhere to our land use plan, we may need one additional well, but not at this site in terms of pressure and flow requirements. We do need another elevated tower (\$3 million; for 2 million gallons of storage capacity) to assure appropriate water pressure on the City's northeast side but at a site with a higher elevation. Mr. Dahl's site has a market value because of its frontage on Mt. Hunger and its commercial zoning.

2. Development of platted parcels within DeKalb County's jurisdiction north of Northtown Subdivision (along what was to be called Naomi Drive). If you look at the City's zoning map you will see that there are an additional twelve platted lots behind the lots on the north side of Swanson Road. Mr. Dahl and Mr. Schmack prevailed in a suit against the County 10 or more years ago which allows them to build on the lots, as well as an unsubdivided area to the north that is comparable in size. There are easements for two roads to connect these lots with Swanson Road to the south. The occupied homes on the north side of Swanson have private wells and City sewer.

3. Matters concerning the commercially-zoned parcel across from the Middle School, stretching along the east side of N. Main Street between Mt. Hunger Road and Maplewood Drive. The main concern is who pays for the construction of traffic signals at Mt. Hunger Road once "warrants" for such signals are established, which IDOT will determine. IDOT has already made it clear that the trigger for such signals will be the approval of a substantial retail development on the vacant commercial parcel across from the Middle School. In the Townsend Woods annexation agreement the developer was clearly made responsible for the signal at Maplewood Drive and Il Rt. 23. The agreement was silent about any future signals at Mt. Hunger Road. In subsequent revisions to the original annexation agreement, the timing of the signals has been addressed, in keeping with IDOT's direction. However, the rightful cost shares are not established. Where developments occur across from established parcels or parcels which will not be developed, our past practice is to require a developer to assume the cost of the two legs on his side of the street; the other two legs are assumed by the public (e.g. the City, Township, County, etc.). In this case, the school parcel on the west side of N. Main will never be developed—the land is within the floodplain and the School District intends to retain it for school purposes. In the course of the improvements at Mt. Hunger Road this summer, City Engineer John Brady gained Mr. Dahl's cooperation in installing light pole bases and hand holds on the west side of the Street at Mr. Dahl's expense, reducing the potential public cost of the west-side signals to about \$25,000 (from about \$50,000).

4. 10-inch water main. This is not controversial, although Mr. Schmack's letter suggests that it may be. The City would typically require the developer of the commercial parcel to move any underground utilities that need to be moved to make way for foundations, etc.

The eventual developer of the commercial site would expect this, and it would become a bargaining point in the negotiations between the buyer and seller. Mr. Dahl is nevertheless responsible for protecting the existing underground utilities in their current location.

Recommendations:

1. Vacate the well site and ask that a comparable-sized slice at the south end of the adjacent commercial parcel be added to the land to be dedicated to the Park District, at no charge to the District. This action would add land that is out of the floodplain to the land that is of interest to the Park Board, thereby expanding the potential for recreational uses.
2. Allow for the twelve platted lots to be developed within the County jurisdiction, with the understanding that water and sewer would be extended at the developer's expense, and the end users would pay 1-1/2 times the standard water use fee, as our ordinances require. It appears that the County has already approved the plat with the twelve lots (the County's base maps show the lots at the fringe of our zoning).
3. Have the City assume the responsibility for the west-side signals at Mt. Hunger. This would mean that the City would pay about one-sixth of the overall signal costs. Typically, the City is on the hook for about one-fourth of the cost. No waivers of development or building fees should be contemplated.
4. As noted above, the water main is temporarily alright where it rests if it is properly protected from freezing.

City Council direction is requested.

B. Consideration of a Closed Session Regarding Personnel Matters.

14. **OTHER NEW BUSINESS**
15. **APPOINTMENTS**
16. **ADJOURNMENT**