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**SYCAMORE CITY COUNCIL – REGULAR MEETING  
MINUTES OF FEBRUARY 5, 2007**

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**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, Pete Paulsen, and Chuck Stowe.

**INVOCATION**

Pastor William Mills of Bethel Assembly of God gave the invocation.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

**Motion**

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

**Voice vote**

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

**AUDIENCE TO VISITORS**

Rich Neubauer, 412 S. Main Street, expressed concern about the revised Community Fiscal Impact Study under consideration on the agenda because it will be based on a study he felt was flawed regarding the number of children entering the school district for new home buyers and for purchasers of existing homes. He said a more accurate measure of school impact would be the number of new bedrooms being created. He also expressed concern that Dave Emanuelson has taken the position that the Naperville tables overestimate enrollment figures.

**CONSENT AGENDA**

- A. Approval of the Minutes for the Regular City Council Meeting of January 15, 2007.
- B. Payment of the Bills for February 5, 2007 in the amount of \$1,743,566.43.

**Motion**

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

**Voice vote**

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

**PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.**

**REPORT OF OFFICERS**

Manager – Bill Nicklas said he was informed by a Jewel representative speaking for Jewel and parent company Super Value has deferred its start in Sycamore for another year and is not in a position at this time to guarantee its start at the southwest corner of Peace, Plank and Route 23.

Engineer – John Brady reported that the second fire station project is out for bid. He said the building and site plans are available and a mandatory pre-bid meeting is scheduled for February 13 at 2:00 p.m. and the bids are due February 23, 2007 at 2:00 p.m.

Building & Zoning – Lyle Doty had distributed the 2006 year-end building report and noted that dwelling units were down 48%.

Fire Chief – Bill Riddle thanked City Engineer Brady, Building Commissioner Doty, and City Manager Nicklas for their work on the second fire house plans.

Treasurer/Asst. City Manager – Brian Gregory reported from the Safety Committee that at the end of January the City successfully completed two consecutive quarters with no lost time due to workman's comp claims. He said they received a report from the Illinois Municipal League Risk Management Association regarding the loss ratio and after three years of over 100% loss ratios, 2006 was 28.59%. He said that is good news and will help to lower premiums.

Public Works Supt. – Fred Busse reported that ComEd tree trimming crews are out and should be completed in a few weeks.

Water Supt. – Ebe Smith reminded the public to keep areas with pipes exposed to heat during the cold weather. He said there have been 6 watermain breaks since the last Council meeting.

Police Chief – Don Thomas asked the public to keep track of neighbors and friends during the cold weather. He reported that Michael Eide, an NIU officer, will start work for the Sycamore Police Department next week.

## **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. 2006.60—An Ordinance Approving a Development Agreement Between the City of Sycamore, Illinois and Dahlko, LLC. First and Second Reading.**

City Manager Nicklas said this matter was before Council on January 2, 2007 and the terms of the understanding are as follows:

- a) Keven Dahl, the principal owner of Dahlko LLC, agrees to sell 24.04 acres of undeveloped land to the Sycamore Park District for the full appraisal price of \$132,000 (\$5,490 per acre).
- b) The City of Sycamore agrees to convey a 105' x 125' platted well site to Keven Dahl in return for his conveyance of a similar-sized area of land, at no cost, to the Sycamore Park District adjacent to the separately conveyed property described in (a), above.
- c) The City agrees that the developer, at his sole expense, may extend City water and sewer to twelve platted lots within the jurisdiction of the County of DeKalb, north of the Northtown subdivision. The developer and his successors or assigns agree that the owners of said lots

- shall pay any necessary connection fees as well as one-and-one-half times the required City water and sewer user fees, as they may change from time to time.
- d) Keven Dahl shall be responsible for the entire cost of the installation of traffic signals on the two east legs of the intersection of IL Rt. 23 and Mt. Hunger Road, and the traffic signal bases and hand holds on the west side of IL Rt. 23 at Mt. Hunger Road. The City shall be responsible for installing the traffic signal poles, lights and controller on the west side of the intersection of IL Rt. 23 and Mt. Hunger Road.
  - e) Keven Dahl or Dalko LLL shall be responsible for completing the relocation of a 10-inch water main along Mt. Hunger Road in accordance with engineering plans that have been approved by the City Engineer.

Mr. Nicklas said the question arose earlier in the day regarding access to the proposed park site which would be south of the commercially zoned area. He said this is not a matter of particular interest to the City except the City would like to see access to the park. He said if negotiations fall apart between the Park District and Dalko LLC then this agreement falls away.

Aldersperson Kessler said she spoke with Mr. Nicklas and Park District Director David Peek. She said the .4 acre is worth about \$80,000 and is buildable land and the Park District is paying \$132,000 for 24 acres in the flood plain. She said the City does not want more wells and septic systems near the City for those 12 lots that are platted in the County. Also, Ms. Kessler said the City will be paying about \$25,000 for their share of the traffic signal at Mt. Hunger and Route 23. She said all totaled they are looking at a park for about \$237,000. She said this is a 3-partner negotiation. She thought it was worth noting that at the time of annexation the Park Board preferred cash to land from the developer. She said that access is critical and stressed that Council has a history of problems with this developer. She said that item #7 in the ordinance addresses that if an agreement cannot be made between the developer and the Park District then the agreement is nil and void. She said if it were not for that clause she would vote no.

Aldersperson Knuth asked if the December 31, 2007 date mentioned in item #8 of the ordinance was the deadline date for everything to be accomplished by the developer.

Mr. Nicklas said that date refers to the watermain relocation. He said he has set up a structure for our role because the agreement between the Park District and the developer would not go forward without our participation. He said normally the City would be paying half for the traffic signal and from a public health standpoint the City does not want 12 more wells for the 12 platted lots. He said the City does not control the Park District or the developer's position.

Aldersperson Bauer said he participated on the Park District long range planning committee and pushed for the land/cash ordinance from the start. He said the land/cash ordinance gave the Park District the flexibility to pool the money and buy something at a later time at a location they saw fit. He said he was having trouble with this agreement and as it stands he will not be voting in favor of this ordinance. He said he thought it was good the developer is coming together with an agreement, but he does not understand why the City is being called upon to sweeten the deal. He said he thought that 100% of the cost of the traffic signals should be born by the developer because they would not be warranted without the subdivision. He said if they are providing water and sewer then those lots should be annexed and require curb and gutter and sidewalks.

Mr. Nicklas said those 12 lots are not contiguous to the City.

Aldersperson Bauer said that item #7 does not ensure access, it only ensures conveyance.

Mr. Nicklas said that item says that if the Park District is not satisfied, then the City is not bound to the agreement.

Aldersperson Kessler said that Park District Director Peek said that access is a pivotal issue and that is why she felt that item #7 would ensure access.

Mayor Mundy said this remains the responsibility of the Park District and the developer to reach an agreement. He said the City has addressed concerns of the developer and without item #7 the City might have some exposure. He said it is in the City's best interest to have that area improved in its highest and best use. He did not think the City needed to be more integrally involved.

Aldersperson Knuth asked if this should fail, would the relocation of the watermain still be the developer's responsibility.

Mr. Nicklas said that can be enforced without this agreement.

Aldersperson Paulsen said he thought the terms in this agreement are fair from the City's point of view.

### **Motion**

Aldersperson Paulsen moved to approve Ordinance 2006.60 and Aldersperson Maness seconded the motion.

Aldersperson Bauer said he agreed with Mayor Mundy about that being a great place for a park, but he does not think the City needs to sweeten the deal.

Aldersperson Stowe expressed concern about the access and many changes that have occurred in that area and offered an amendment to the motion.

### **Amended motion**

Aldersperson Stowe moved to amend the motion to approve Ordinance 2006.60 by inserting the words "with reasonable public access" to item #7 following the words aforementioned land and Aldersperson Knuth seconded the motion.

Aldersperson Kessler said she thought the word reasonable was subjective. She said she would like to get more specific with measurements for the access.

Mr. Nicklas said they can assume the elected officials of the Park District would insist on access. He said he thought he thought the developer and the Park District arrived late at the realization there was an access issue.

### **Voice vote on amended motion**

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

Richard Schmack, attorney for the developer, asked if Council or the Park Board would determine what would be reasonable access.

Mayor Mundy said that would be the Park Board's decision.

Mr. Schmack wanted to be sure he did not have to return to the City, once the Park Board agreed to the access. He said he thought there might be a permanent easement through part of the future commercial parking lot, but not something that is conveyed to the Park District.

Alderson Stowe said to give them reasonable public access to make sure they can get there. He said he is already worried about it because of Mr. Schmack's argument.

Mr. Schmack said the Park District indicated they wanted to be able to get their equipment in and out. He said the public can get in from any number of places by foot or bicycle. He asked if they are talking about a street.

Alderson Stowe said the Park District has to be happy about how the public will enter.

Mr. Schmack said he wanted it to be clear that the Park District will define reasonable.

**Motion to amend the amended motion**

Alderson Bauer moved to amend the amended motion to add "as determined by the Sycamore Park District.

Mayor Mundy said the motion to amend the amended motion died for lack of a second.

**Roll call vote (on original motion)**

Mayor Mundy called for a roll call vote to approve the motion with the amendment to insert the words "with reasonable public access" to item #7. Aldersons Ade, Kessler, Knuth, Leach, Maness, Paulsen, and Stowe voted aye with Alderson Bauer voting nay. Motion carried 7 - 1.

**RESOLUTIONS**

**A. Resolution No. 488—Authorizing the Mayor to Sign An Amendment to the Intergovernmental Agreement Between the City of Sycamore and the Department of Transportation for Local Agency Maintenance of Traffic Control Devices.**

City Manager Nicklas explained that this is an opportunity to participate in specially funded programs that assist community in updating traffic signals along state-marked routes. He said, in this case, the state program has the aim of replacing incandescent lamps in traffic signals with light emitting diode (LED) modules that will generate better lighting and some cost savings over time. He said the Capital Assistance Fund can accommodate this expense.

**Motion**

Alderson Paulsen moved to approve Resolution 488 and Alderson Leach seconded the motion.

**Roll call vote**

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

**CONSIDERATIONS**

**A. Consideration of Proposals for a Revised Community Fiscal Impact Study.**

City Manager Nicklas said the study that was done in 2005 and a number of circumstances have arisen to merit another look at the fiscal impact of residential, commercial, and industrial growth on each local taxing body. He listed some the factors as the passage of a transfer tax, increases in impact fees, a substantial quickening of the pace of annexation and development of commercial and industrial-zoned properties, a slowing in the pace of local residential development, and a clearer view of the nature and probable cost of new school facilities planned in the period that the 2005 study

encompassed. He noted that proposals were received by Roger Dahlstrom of the NIU Regional Development Institute and by Dave Emanuelson of Strategic Management Alliance and recommended a contract with Mr. Emanuelson.

**Motion**

Aldersperson Kessler moved to award the contract to the Strategic Management Alliance and Aldersperson Adee seconded the motion.

**Roll call vote**

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

**C. Consideration of a Report from the Sycamore Chamber of Commerce Regarding Tourism.**

Sycamore Chamber of Commerce Executive Director Rose Treml said her board asked her to inform Council that they recently held an informational meeting to which they invited City Manager Nicklas regarding the proposed development of Traditions of Sycamore. She said many were concerned how it would affect the community and they determined they were comfortable with the development.

Ms. Treml reported that in the past 8 months the Chamber has received over 100 prospective business cold calls. She said they have created a packet to send as a business sales tool. She said the Chamber has organized, created, printed and distributed quality market pieces to promote Sycamore and to entice businesses to make Sycamore their home. She said they have fostered materials and events to bring people from our own community and outside Sycamore to our community to spend money. She said that Sycamore Chamber and Discover Sycamore work together as a team to focus on economic community development. Discover Sycamore Coordinator Kayte Hamel distributed publications that include Sycamore businesses and events. Ms. Treml said they have reinstated the grant program and have given two grants of \$500 each to two local businesses that have promoted Sycamore and organized events to bring people to Sycamore: Cinco de Mayo and Midwest Museum. She said they printed 30,000 pieces of a promotional booklet they did in collaboration with DeKalb.

**C. Consideration of a Request from the Liquor Commissioner Regarding a New Application for a Package Liquor License.**

Mayor Mundy explained that Dan Brown, owner of Brown's County Market, has requested a Class D liquor license for package goods to be sold in a new sales area within his grocery store at 403 E. State Street. He said because there is a tie to population for the number of Class D licenses allowed, a waiver of  $\frac{3}{4}$  vote of the corporate authorities is required to allow an additional license. Mayor Mundy said he is recommending approval of a Class D license for Brown's County Market.

Aldersperson Leach asked if there would be separate registers for liquor purchases.

Mayor Mundy said that is correct.

**Motion**

Aldersperson Maness moved to waive the population restriction and to approve a Class D liquor license for Brown's County Market and Aldersperson Adee seconded the motion.

**Roll call vote**

Mayor Mundy called for a roll call vote to approve the motion. Alderspersons Adee, Kessler, Knuth, Leach, Maness, Paulsen, Stowe and Mayor Mundy voted aye with Aldersperson Bauer voting nay. Motion carried 8 - 1.

**D. Consideration of a Public Works Department Recommendation to Replace the Truck-Mounted Sludge Spreader.**

City Manager Nicklas explained that Superintendent Busse and Assistant Superintendent Roach have been investigating a better land application of the City's sludge. He said they are recommending the purchase of a used agricultural tractor and a manure spreader. He said DeKalb Implement submitted the lowest bid and Mr. Busse recommended approval of a contract for their equipment in the amount of \$19,500. Mr. Nicklas said tractor bids will be presented for Council consideration and action at a future meeting.

**Motion**

Aldersperson Maness moved to accept DeKalb Implement's bid in the amount of \$19,500 and Aldersperson Paulsen seconded the motion.

**Roll call vote**

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

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

**Motion**

Aldersperson Maness moved to go into Closed Session at 8:30 p.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 8 - 0.

**Motion**

Aldersperson Kessler moved to return to Open Session at 8:40 p.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 8 - 0.

**OTHER NEW BUSINESS**

City Manager Nicklas distributed information that was compiled by Assistant City Manager/Treasurer Brian Gregory regarding the IMRF 125% Rule. He said a senior member of the organization that is considering retiring is investigating the 125% Rule. He said there is no way to project the impact this program might have ten years from now. He said this person is certainly worthy of this program, but they must not consider the program based on one individual, but on the organization as a whole. He asked Council to review the information and get back to him.

Aldersperson Kessler asked if the employee would need to submit a letter of resignation.

Mr. Nicklas said Council would determine that.

Mayor Mundy said they would try to be accommodating, but they cannot discriminate.

Mr. Nicklas said they could set the limit at 40 years so that an employee wanting to reduce the standard to 25 years would have to be negotiated.

**APPOINTMENTS** - None

**ADJOURNMENT**

**Motion**

Aldersperson Stowe moved to adjourn the meeting at 8:53 p.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 8 - 0.

Approve:

\_\_\_\_\_  
Mayor - Ken Mundy

Attest:

\_\_\_\_\_  
City Clerk – Candy Smith