

---

**SYCAMORE CITY COUNCIL – REGULAR MEETING**  
**MINUTES OF APRIL 2, 2007**

---

**ROLL CALL**

Mayor Ken Mundy called the meeting to order at 7:00 p.m. 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 Dan Stovall of the Sycamore Baptist Church gave the invocation.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

Mayor Mundy added Ken Andersen to speak to Council under Presentations, Communications, and Bills.

**Motion**

Alderperson Maness moved to approve the agenda as amended 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 8 - 0.

**AUDIENCE TO VISITORS**

**CONSENT AGENDA**

- A. Approval of the Minutes for the Regular City Council Meeting of March 19, 2007.
- B. Payment of the Bills for April 2, 2007 in the amount of \$298,199.26.

**Motion**

Alderperson Bauer moved to approve the Consent Agenda and Alderperson Stowe 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.**

- A. Household Hazardous Waste Collection. The DeKalb County Farm Bureau in cooperation with the Illinois EPA will offer a drop-off point for household hazardous waste on Saturday, May 5, from 7:30 a.m. to 3:30 p.m.
- B. Ken Anderson to speak to Council

Ken Andersen, 407 Hadley, said he was there to speak about the Kishwaukee Valley Water Authority. He said he sat in on almost all the testimony at the hearing in Judge Klein's courtroom regarding the establishment of the water authority. He said at the beginning of the hearings the cities of Sycamore and DeKalb asked for DeKalb County to be excluded from the boundaries and barring that asked that the residents of those towns be included in the vote for the referendum. He said he was not there to debate, but he was there as a private citizen asking for clarification because many residents are under the impression that now that Sycamore is included in the right to vote that the City Council endorses the Kishwaukee Valley Water Authority.

Mayor Mundy said the public record will show that the City Council took a position and passed a motion unanimously against the water authority when we first heard of it. He said then the City went to the hearing and sought to be withheld from the authority and that was not successful. He said then the City sought to have the right for Sycamore residents to vote. He said as elected officials we have to be sensitive to prescribing how people vote and Council did take action and have not changed their position.

## **REPORT OF OFFICERS**

Manager – Bill Nicklas said he would defer his comments for the Public Hearing.

Engineer – John Brady reported that because of the County road postings, no work has begun on the Fire Station 2 site. He said hopefully within two or three weeks with dry weather there should be some action there.

Building & Zoning – Lyle Doty said the building under construction on Route 23 in front of the old Microtel motel collapsed due to the wind and he has already written a letter reminding the builders they must start over. He also reported other commercial activity as a buildout on Hauser Drive, a finish-out for a plastic surgeon on Mediterranean Drive, and Mugzzies is adding on space.

Fire Chief – Bill Riddle said the KEC students will go to Springfield this month to compete in SKILLS USA. He also reported that Friday they would take delivery on the brush truck and pump equipment. He said they ordered a 2007, but it has taken so long that they will get a 2008 at the same price.

Treasurer/Asst. City Manager – Brian Gregory said a matured investment yielding 5.02% has been replaced with an investment with a 5.25% yield. He said the pension actuarial report for FY07 was finalized with police investment returns at 10.4% and fire investment at 9.69%. He said that IMRF also had good returns and the City's portion has gone down .34%.

Public Works Supt. – Fred Busse said they have used the tractor recently purchased and it is exceeding expectations and has opened up the opportunity to use two more land owners now interested in applying sludge on their land. He also reported that the City is officially a Tree City USA town. He said the Director of Forestry Division of the Department of Natural Resources would like to make a presentation at a Council meeting in May.

Water Supt. – Ebe Smith reported that Well #6 will be hooked up with electricity Wednesday and start pumping on Monday. He also reported that they will start flushing hydrants April 16 for 10 days.

Police Chief – Don Thomas reported that Officer Ann Carlson is serving with her naval reserve unit at a Germany and will hopefully be back in October. He reminded the public to stop at stop signs because the officers have been instructed to watch for stop sign and stop light violations and take appropriate action.

## **REPORT OF STANDING COMMITTEES**

Finance – no report.

Ordinance –no report

Police & Fire – no report

Sewer & Water – no report

Streets & Walks – no report

## **PUBLIC HEARING**

## **A. Public Hearing on the Proposed FY2007-2008 City Budget**

Mayor Mundy opened the hearing with instructions for speakers.

City Manager Nicklas explained there were representatives from a couple of local agencies who are interested in the \$10,000 that is not allocated, but is positioned in the Mayor/Council budget as a possibility for a Community Development Grant Program which is usually made available in May with decisions made in June.

Karen Remen, Executive Director of American Red Cross DeKalb County Chapter, asked for consideration for funding for their chapter. She said they receive no government funding, but are mandated by the government to perform disaster assistance. The organization is funded through contributions, grants, and fund raisers and provides disaster relief and helps people prevent, prepare for and respond to emergencies. Executive Director Remen identified that they had canteened the firefighters at the recent fire in Sycamore on South Avenue.

Steve Kuhn, 430 S. Main Street, expressed concern regarding the 3-year capital spending because it contains nothing for infrastructure upgrade in the old part of town and said there are 45 feet of missing curb on Main Street. He asked for results of a watermain and sewer survey, thanked Council for the \$100,000 for sidewalks, and questioned the spending of \$275,000 for a bikepath that goes from no place to nowhere.

Wendy Menard, President of T.A.I.L.S., said they were grateful for last year's grant money which went toward the spay-neuter program. She said they have cared for over 1500 animals and adopted out more than 1200 and their sources of revenue are service fees, grants, and private donations. She said their programs are adoptions, education, outreach to Safe Passage and Hope Haven, and a new meals-on-wheels program. President Menard asked Council to consider a grant for T.A.I.L.S. in next year's budget.

Hearing no further public comment, Mayor Mundy closed the Hearing.

## **ORDINANCES**

### **A. Ordinance No. 2006.71—An Ordinance Amending Title 9, “Building Regulations,” Chapter 2, “Building Codes,” Section 9-2-1, “Building Code,” Paragraph B, “Building Code Amendments,” to Add Sections 1812.5, 1812.5.1, 1812.6 to the BOCA National Building Code/1999 of the City Code of the City of Sycamore, Illinois. Second Reading.**

City Manager Nicklas said he met with representatives from RAMP and the DeKalb County Building & Development Association to answer questions about the changes to the building regulation in this and the next ordinance. He said this ordinance addresses elevating public buildings 6 inches above the level of the finished grade adjoining the building. He said this does not create an accessibility issue because there are designs to allow entries to have the proper slopes to meet handicap accessibility standards. He said this is not addressed in the BOCA Code, but the City would like to incorporate it into our Building Code.

### **Motion**

Aldersperson Maness moved to approve Ordinance 2006.71 and Aldersperson Paulsen 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.

### **B. Ordinance No. 2006.72--An Ordinance Amending Title 9, “Building Regulations,” Chapter 2, “Building Codes,” Section 9-2-2, “Dwelling Code,” Paragraph B, “Dwelling Code Amendments,” of the City Code of the City of Sycamore, Illinois. Second Reading.**

City Manager Nicklas said this ordinance is essentially the same provision as the previous ordinance, but it applies to our One-and-Two-Dwelling code.

**Motion**

Aldersperson Stowe moved to approve Ordinance 2006.72 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. Ordinance No. 2006.73--An Ordinance Providing for the Issuance of \$2,000,000 General Obligation Bonds, Series 2007, of the City of Sycamore, DeKalb County, Illinois, and Providing for the Levy and Collection of a Direct Annual Tax for the Payment of the Principal of, and Interest On, Said Bonds. First and Second Reading.**

City Manager Nicklas explained two handouts as Harris Bank summaries of the City's bond debt service and of a shorter version of Moody's summary of the City's finances. Mr. Nicklas said that bonds are a way of raising funds to address capital needs in either commercial or residential neighborhoods. He said the focus for this bond series are the reconstruction of California Street from State to Elm, S. Main from State to Elm, N. Locust Street between Exchange and Sycamore, and E. State Street from Main to Locust. He said they are looking at a reconstruction price of \$400+/running foot. He said there is no 5 or 10-year plan because we do not have a designated revenue source to take us out that far. He said ultimately this Council will have to wrestle with the possibility of new revenue sources or extensions of current revenue sources to deal with a variety of existing and projected capital needs in established neighborhoods. He said he has talked to a number of neighborhoods, including Mr. Kuhn's neighborhood, about this. He said he proposed special service areas, an increase in Home Rule tax, and a utility tax which may prove detrimental for residents and businesses. Mr. Nicklas said the 2007 General Obligation Bond would fund the four road sections mentioned earlier that will cost about \$2,000,000 over the next 2 or 3 years. He said debt service would be in a range of \$200,000 or less which will come from general revenues.

Eric Anderson, Harris Bank Agent, said Moody's had been out and toured the City and came back with an A1 rating. He said that the City was hoping for an upgrade, but that is an excellent rating and the City fell short because of the size of the tax base. He said as the City continues to increase and continues to manage finances over the past 10 years, he would expect a AA rating. He said that Moody's was impressed with the City's process of abating debt service and the debt profile. He said the City will have an opportunity to refinance if the rates go down.

Aldersperson Kessler asked if there would be a penalty if the bond was paid off early.

Mr. Anderson said there would be a penalty if prior to the 9<sup>th</sup> year the rates on U.S. Treasury Bonds (State & Local Government Series) are lower than our bond yields then there would be in affect a penalty. He said after the 9<sup>th</sup> year, there would be no penalty.

**Motion**

Aldersperson Bauer moved to hear ordinance 2006.73 on first and second reading and Aldersperson Maness 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 Maness moved to approve Ordinance 2006.73 and Aldersperson Bauer seconded the motion.

### **Roll call vote**

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

### **RESOLUTIONS - None**

### **CONSIDERATIONS**

#### **A. Consideration of a Report from the Liquor Commissioner Regarding a Request for a New Bar License.**

Mayor Mundy acknowledged that Diane Denault was in the audience representing the business Cabana Charley's and is seeking to renew the liquor license as a bar license rather than a restaurant license.

Diane Denault said she has been a business owner in DeKalb County for 15 years and felt she has been a friend not only to the community, but to other business owners. She said that the restaurant is her first priority, but she is looking for some relief from the kitchen hours in order to close the kitchen and keep the bar open at the end of the night.

Mayor Mundy asked what amount of time she would gain by being able to close the kitchen.

Ms. Denault said about an hour. She said her cooking staff is not made up of unskilled 17-year-olds, but was high priced and when she has live entertainment she would like to be able to close the kitchen to save dollars and also wear and tear on her kitchen help.

Mayor Mundy said that Council set the number of bar licenses and it would take a  $\frac{3}{4}$  vote to extend an additional bar license or a population increase to 15,100.

Aldersperson Maness said she thought the ordinance was set based on percentage of food sales to liquor for the restaurant liquor license.

City Manager Nicklas said there is no longer reference to food percentage in the code. He said he asked the City Attorney and State Statute is clear about the connection of serving alcohol and food with a restaurant liquor license. He said it would be risky to go a field of state law.

City Attorney Foster said that Home Rule communities have some flexibility, but it is the safe way to go with what the state law prescribes.

Mr. Nicklas said if Council concurs with Attorney Foster, then their only option is for Council to look at a bar license.

Mayor Mundy said he sent a letter to bar license holders and their concern is that any additional licenses issued in this market would dilute the value of their licenses. He said there is no guarantee that the number of licenses will remain at 10 because there is a possibility of change with a  $\frac{3}{4}$  vote or an increase of population.

Aldersperson Maness said the last time they visited this they connected the bar licenses to population and also at that time they opened liquor licenses to restaurants. She said since the population does not merit an addition, she felt they should leave it as it is currently.

Alderspersons Paulsen and Leach concurred with Aldersperson Maness.

Aldersperson Knuth asked how much annually Ms. Denault would lose by keeping the kitchen open.

Ms. Denault said she has only been open 6 months so that would be hard to calculate. She said she mostly wants to save wear and tear on her staff because they are working 11 and 12 hour shifts. She said at some time the population will be there and somebody is going to get the bar license. She said she has been doing business in the community for 15 years and they know how she operates. She is not looking to go after bar business, because she is a restaurant and is only looking for relief in kitchen hours.

Aldersperson Stowe said they need to stick to what they have and keep it to 10 licenses until the population increases.

Aldersperson Bauer said he is not sure we have done a good enough job on our restaurant licenses. He said the bars in restaurants are to serve only as waiting places for tables and that should be enforced. He also said the beer gardens are to have food served with alcohol. He said we need to do a better job of enforcing what we have and he is not inclined to vote for this.

Mayor Mundy said it appears that Council is not willing to approve a variance for this request.

**B. Consideration of an Administration Report on Options for the Use of the City's Private Activity Bond Volume Cap for the Year 2007.**

City Manager Nicklas said the City has participated in the Illinois Housing Development Authority (IHDA) Mortgage Credit Certificate Program for the last nine years. He said it allows qualified first-time homebuyers to take 20% of the annual interest paid on their new mortgage as a credit against their federal income tax liability. He said the lending bank typically acts as the intermediary with the IHDA.

Aldersperson Adee asked how many people use this program.

Mr. Nicklas said he does not have those figures, but he will work to get the word out to the local banks.

Aldersperson Paulsen said it is a shame that it is not being utilized.

Aldersperson Stowe said this is a good program and the information could be linked to the City website.

Aldersperson Kessler suggested sending letters to Realtors.

Mr. Nicklas said he would bring this back as a resolution at the next meeting.

**OTHER NEW BUSINESS**

**APPOINTMENTS**

**ADJOURNMENT**

**Motion**

Aldersperson Stowe moved to adjourn the meeting at 8:12 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