

**SYCAMORE CITY COUNCIL**  
**AGENDA**  
February 18, 2008

**CITY COUNCIL COMMITTEE MEETINGS**

**No Committee 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 February 4, 2008.
  - B. Payment of the Bills for February 18, 2008.
  - C. Plan Commission Minutes for the Meeting of January 14, 2008.
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. 2007.53—An Ordinance Concerning the Recommendation of the Plan Commission with Regard to a Petition from Milan Krpan for a Final Plat of Krpan’s Thanks America Commercial Subdivision, Phase Three. First and Second Reading.**

The attached plat would give more definition to the commercial development of lots in the vicinity of Gateway Drive and Dosen Drive, east of IL Rt. 23. In February 2007, the Plan Commission recommended and the City Council approved a concept plat for the development of this prime area for both commercial office and light manufacturing. A copy of that concept plat is attached. The proposed final plat for Phase Three slightly re-configures Lots 11 and 12 to accommodate the interest of a major medical clinic and generally defines 17 lots which could be offered for sale in this growing subdivision. With the exception of Lots 8 and 24, which would be zoned “M-1” Light Manufacturing, all of the other lots would be zoned “C-3” Highway Business District.

The Plan Commission reviewed the plat on February 11 and recommended the Council’s approval by a vote of 9-0. City Council approval of the Plan Commission recommendation is requested.

**B. Ordinance No. 2007.54—An Ordinance Concerning the Recommendation of the Plan Commission with Regard to a Final Plat for the Plank Commercial Center at the Northeast Corner of Plank Road and Illinois Route 23. First and Second Reading.**

DeKalb Clinic Chartered, an Illinois Corporation, has petitioned for approval of the attached plat. The plat describes the DeKalb Clinic property at the northeast corner of the intersection of Plank Road and IL. Rt. 23. The proposed plat has two major features:

- The delineation of ingress/egress easements for Lots 1, 2 & 3 of the 19.01-acre development area;
- The resolution of ingress and egress to the “notch” parcel roughly in the middle of the Plank Road frontage which is not currently annexed. A 66-foot ROW is shown on the common boundary of Lot 2 and the un-annexed parcel;
- The provision of a utility easement along the Plank Road frontage of the subject property to assure a path for future sewer, water and storm extensions along the north side of Plank Road.

The Plan Commission reviewed the attached plat at its last regular meeting on February 11. By a vote of 9-0, the Commission recommended the Council’s approval. City Council approval of the Plan Commission recommendation is requested.

**C. Ordinance No. 2007.55—An Ordinance Concerning the Recommendation of the Plan Commission with Regard to a Vacation of Easement for Lots 91 and 92 of the Country Estates Unit of the Heron Creek Planned Unit Development. First and Second Reading.**

John and Lynn Knepper, the owners of Lots 91 and 92 of the Country Estates Unit of the Heron Creek subdivision, have petitioned for the abandonment of a drainage and utility

easement that follows the common lot of the two lots in the preliminary plan and final plat for this area of the Heron Creek subdivision. In the course of the development of this phase, the City and private utilities have identified other paths for their underground or overhead infrastructure. The Kneppers are currently constructing a single family home on Lot 91 and have purchased the west half of Lot 92 to use for geothermal borings to heat their home in a “green” fashion. Another property owner to the east has purchased the east half of Lot 92. At this time, the private utilities have approved the vacation of the easement and their approval has been documented by the City Engineer. The vacation of the remaining drainage easement by the City would complete the vacation of easements and permit the Kneppers to proceed with the further development of their new home.

The Plan Commission reviewed this plat of vacation on February 11 and recommended its approval by a vote of 9-0. City Council approval of the Plan Commission recommendation is requested.

**D. Ordinance No. 2007.56—An Ordinance Concerning the Recommendation of the Plan Commission with Regard to a Petition from Mike Conro to Rezone the Property at 224 May Street from “M-1” Light Manufacturing District to “R-2” Two Family Residence District in the City of Sycamore, Illinois. First and Second Reading.**

Ordinance 2007.56 and Ordinance 2007.57 arise from the same homeowner concern: the inability to make certain residential improvements on lots which have always been used for residential purposes, but which are zoned “M-1” Light Manufacturing District. As the attachment shows, Mr. Conro owns a single family home on May Street, adjacent to an area that has been dedicated to industrial uses for generations. The zoning of the condominium properties to the east of and behind the property is “R-3” Multiple Family Residence District. The property to the south owned by Mr. Hardesty (see Item E, below) is likewise zoned “M-1” but the properties further south and along W. Exchange Street are zoned “R-2” Two Family Residence District.

As his attached letter indicates, Mr. Conro wishes to build a detached garage. The City’s Unified Development Ordinance (UDO) does not permit residential garages in industrial zoning districts. A rezoning of the property to “R-2” would allow such construction. Such a rezoning would also be consistent with the residential zoning of other nearby or contiguous properties, without threatening the legitimacy of the light manufacturing zoning and uses to the north.

The Plan Commission considered Mr. Conro’s rezoning request on February 11 and recommended its approval by a vote of 9-0. City Council approval of the Plan Commission’s recommendation is requested.

Apart from the basic issue of whether to rezone the property or not, Mr. Conro has also asked for relief from one of the key guidelines for the sizing of detached garages. He proposes to build a garage that would accommodate two vehicles and a small personal workshop. Mr. Conro would raze his existing garage first. The proposed size of the new garage—968 square feet (approximately 28 feet by 35 feet)—exceeds one of the allowances

in the UDO for detached garages. Section 6.2.1.D.4 of the UDO allows detached garages in residential zoning districts to have a maximum area of 1,200 square feet or eight percent (8%) of the lot area, whichever is less. Mr. Conro's lot is roughly 50 feet by 165 feet and the access to his present garage is over a shared driveway. Although in proximity to a large industrial garage to the north, the size of the proposed garage would rival the footprint of his home and be out of scale with the proposed residential look which is the basis of this rezoning request. Plan Commission support for this variation was not recommended because the proposed sizing was out of scale with the house on the lot, and because such "conditional" zoning would have questionable legality. No action on this additional request was taken and no Council action is recommended. Mr. Conro can approach the Zoning Board of Appeals for a variance, but would have to meet the strict standards of hardship defined in the UDO.

**E. Ordinance No. 2007.57—An Ordinance Concerning the Recommendation of the Plan Commission with Regard to a Petition from Bruce Hardesty to Rezone the Property at 220 May Street from “M-1” Light Manufacturing District to “R-2” Two Family Residence District in the City of Sycamore, Illinois. First and Second Reading.**

Mr. Hardesty has also requested the rezoning of his property from “M-1” Light Manufacturing to “R-2” Two Family Residence District. As with Mr. Conro, Mr. Hardesty is interested in razing his present detached garage, which is legal non-conforming, and building a new detached garage, but the “M-1” regulations do not permit such a residential structure. The proposed “R-2” zoning would be compatible with the zoning of the adjacent properties to the south. Mr. Hardesty did not request an allowance for a garage size that exceeds the key parameters for size in the UDO.

The Plan Commission recommended the petitioner's request by a vote of 9-0. City Council approval of the Plan Commission recommendation is requested.

**F. Ordinance No. 2007.58—An Ordinance Authorizing the Mayor to Sign an Intergovernmental Agreement Between the City of Sycamore and the Sycamore Park District Regarding the Receipt of Land/Cash Fees and Indemnification. First and Second Reading.**

The attached intergovernmental agreement requires the Park Board to indemnify the City for costs arising from legal challenges as to the appropriateness, amount, or timing of any land/cash contribution. At the City Council meeting of January 21, the City Manager suggested that any revisions to the Park fee schedule in the UDO should be accompanied by indemnification language committing the Park District to the full reimbursement of any City costs. The Park District's attorney, Derke Price of Ancel, Glink, Diamond and Bush of Chicago, separately agreed with this expectation (see the attached letter from Mr. Price). The appended draft reflects the collaborative work of the City Manager, City Attorney, and Park Board counsel in recent weeks and is presented with a recommendation for Council support.

The agreement specifically commits the Sycamore Park District to “pay the costs and litigation expenses (including reasonable attorneys' fees) incurred in defending” any lawsuit

filed against the City by an owner, subdivider, developer or any person, corporation or entity that challenges the legal basis for the “appropriateness, amount, timing or any other aspect” of a Park impact fee schedule. City Council approval is recommended.

**G. Ordinance No. 2007.59—An Ordinance Controlling the Introduction of Pollutants into the Municipal Separate Storm Sewer System (MS4) in Order to Comply with the National Pollutant Discharge Elimination System (NPDES) Permit Process. First and Second Reading.**

The Environmental Protection Agency requires municipalities to comply with a uniform system of methods and procedures in regulating storm water runoff, construction and industrial discharges, and illegal connections that are potential sources of contaminants in our municipal storm systems. The attached ordinance provides updated definitions, details regarding the City’s responsibility for administration and enforcement of such procedures and methods, and penalties. City Council approval is recommended.

**H. Ordinance No. 2007.60—An Ordinance Approving a Collective Bargaining Agreement Between the City of Sycamore and the American Federation of State, County, and Municipal Employees, Council 31, AFL-CIO, On Behalf of AFSCME Local 3957. First and Second Reading.**

The labor contract between the City of Sycamore and AFSCME Council 31 expires on April 30, 2008. In December and January, representatives of AFSCME Council 31 and AFSCME Local 3957 met with City management representatives to negotiate the terms of a new collective bargaining agreement. A tentative agreement has been reached. The key terms of the tentative agreement are as follows:

1. A 4% increase in wage schedule steps.
2. The addition of Martin Luther King Jr.’s Birthday as a paid holiday. The AFSCME contract has the fewest holidays of any City labor contract (see the attached chart) and this addition will bring the contract closer to the others in an equitable manner.
3. A one-year term. In view of the uncertainty attending the local and regional economy at this time, it was agreed that both parties should resist longer-term financial commitments. The parties will return to the bargaining table in a year to re-consider the economic terms and conditions of the contract.

AFSCME Local 3957 has ratified the agreement, subject to the City Council’s approval. City Council approval is recommended.

**12. RESOLUTIONS--None**

**13. CONSIDERATIONS**

**A. Consideration of a Report from the Sycamore Chamber of Commerce Regarding Tourism and Business Development.**

Rose Treml and Jamie Sands will present the Chamber’s annual report on the organization’s efforts to attract visitors to the City of Sycamore, and to promote local businesses. In each of the past three years, the City has granted the Chamber \$45,000 for a variety of marketing and promotional efforts, including \$15,000 toward the funding of the Discover Sycamore

director’s annual salary. Ms. Sands was appointed to succeed Kayte Hamel in early November as the Discover Sycamore director.

At an upcoming Council meeting, a draft of a multi-year renewal contract will be presented to the Council for review.

**B. Consideration of a Request from the Sycamore Park District To Increase the Park Land/Cash Fee.**

At the City Council meeting of January 21, the Council considered the recommendation of the Mayor’s Ad Hoc Committee on Growth Management with respect to the Park Board’s proposal to increase the Park land/cash fee. The Park Board proposal revised the three key variables in the statutory formula for calculating Park land/cash fees (UDO, Section 6.11.2). The specific revisions sought by the Park Board are as follows:

- an increase in the “acres per thousand ratio” from 11.5 to 25 acres.
- an increase in the gross acre price for neighborhood park acreage from \$122,000 to \$190,000 (the price for community park acreage was kept at \$18,500).
- the incorporation of Dr. Emanuelson’s demographic findings on persons per household by housing type.

The resulting formula is illustrated below:

Example: Three Bedroom Detached Home

Assumptions:

- The fair price per acre of developed, residentially-zoned land for a neighborhood park is now \$190,000 (versus \$122,000 in the present fee schedule).
- The fair price for raw or agricultural-zoned farm acreage abutting the community park that may someday be purchased to expand the park is \$18,500.

$$\begin{aligned}
 3.25 \times \$190,000 &= \$617,500/1,000 = \$617.50 \text{ per person} \\
 21.75 \times \$18,500 &= \$402,375/1,000 = \$402.38 \text{ per person} \\
 \text{Total: } & \$1,019.88 \text{ per person} \times 2.67 = \$2,723.08
 \end{aligned}$$

**Park Land/Cash Fees:**

Type of Residence	Persons per Unit	Land/Cash Fee per Unit @\$1,020/person (rounded)	2005 Fee (existing)
<b>SINGLE FAMILY DETACHED</b>			
One and Two Bedroom	2.100	\$2,142	\$706
Three Bedroom	2.670	\$2,723	\$1,015
Four Bedroom	3.240	\$3,305	\$1,015
Five Bedroom	3.960	\$4,039	\$1,015
<b>SINGLE FAMILY ATTACHED</b>			
One Bedroom	1.000	\$1,020	\$418
Two Bedroom	1.750	\$1,785	\$697
Three Bedroom	2.560	\$2,611	\$837
Four Bedroom	2.280	\$2,326	\$837

If implemented, the Park Board’s fee recommendation would result in a three-fold increase in the Park District’s land/cash fee for most housing types.

**Recommendation**

At the January 21 meeting, the City Manager recommended support for the Ad Hoc Committee’s recommendations. The Ad Hoc Committee was re-constituted in the summer of 2007 with a purpose similar to that which prompted its formation in the spring of 2005: to arrive at a consensus among local taxing bodies and local business groups on growth issues affecting the fiscal health of the community.

If the Council is inclined to reach a different conclusion than the Ad Hoc Committee regarding the Park Board request, the City Manager recommends one of the alternative options presented for the Ad Hoc Committee’s consideration in December. Specifically, the City Manager recommends an option that

- adjusts the demographic variables in keeping with the findings of Dr. Emanuelson’s 2007 study;
- adjusts the “Acres Per Thousand Ratio” based on research into actual park acreage that was conducted by Park Commissioner Ted Strack in the fall of 2007.

The resulting formula is illustrated below:

Example: Three Bedroom Detached Home

Assumptions:

- The fair price per acre of developed, residentially-zoned land for a neighborhood park remains \$122,000.
- The fair price for raw or agricultural-zoned farm acreage abutting the community park that may someday be purchased to expand the park remains \$15,000.

$$3.25 \times \$122,000 = \$396,500/1,000 = \$396.50 \text{ per person}$$

$$21.75 \times \$15,000 = \$326,250/1,000 = \$326.25 \text{ per person}$$

$$\text{Total: } \$723 \text{ per person} \times 2.67 = \$1,930$$

**Park Land/Cash Fees:**

Type of Residence	Persons per Unit	Land/Cash Fee per Unit @\$723/person (rounded)	2005 Fee (existing)
<b>SINGLE FAMILY DETACHED</b>			
One and Two Bedroom	2.100	\$1,518	\$706
Three Bedroom	2.670	\$1,930	\$1,015
Four Bedroom	3.240	\$2,343	\$1,015
Five Bedroom	3.960	\$2,863	\$1,015
<b>SINGLE FAMILY ATTACHED</b>			
One Bedroom	1.000	\$723	\$418
Two Bedroom	1.750	\$1,265	\$697
Three Bedroom	2.560	\$1,851	\$837
Four Bedroom	2.280	\$1,648	\$837

If implemented, this approach would effectively double the Park land/cash fee.

The City Manager’s alternative does not increase the gross acre price for neighborhood or community park land, and does not abandon the “discounting” of the fair price per acre of developed, residentially-zoned land which has been a part of the Park fee system since it was instituted in 1996 and is a court-tested approach based on the Naperville model. Such

discounting is not intended to skew the numbers to the benefit of the developer. It has locally been employed to acknowledge the fact that, as a result of a variety of City codes and development standards, approximately one-half of the gross acreage in a residential development is dedicated toward yard setbacks, roadways, detention, parks and other open space that cannot be counted for home development. As an example, in Sycamore Creek III (annexed in October 2005), the combined set asides total 53% of the gross land area. Further, any price per developed acre that the District recommends will be the price it will be expected to pay when it is looking for new park land. Dramatically raising that variable beyond inflation to enhance an impact fee calculation will have the unintended effect of raising the District's future capital costs.

It may be argued that the indemnity agreement advanced in Ordinance 2007.58 takes the City "off the hook" if the price per acre formula suggested by the Park Board is adopted and invites a legal challenge. This is only the case in terms of out-of-pocket legal costs. It does not spare the City the time devoted to a defense or adverse publicity. Moreover, a departure from a time-tested and court-tested component of the City's land/cash formula invites the closer scrutiny of potential litigants. Adherence to a conservative policy which seeks to avoid litigation is more compatible with the City's fiduciary responsibility. Finally, and most important, the price per developed acre is also a component of the School impact fee ordinance (UDO, Section 6.11.3). The City cannot adhere to two different standards for determining this price. Until or unless the School Board agrees to revise their impact fee schedule to include the same price (\$190,000) as the Park Board, no change in this key variable is defensible or recommended.

City Council direction is requested.

### **C. Consideration of an Administration Request for Direction Regarding a Three-Year Capital Plan.**

The proposed three-year capital budget is appended in a spreadsheet for the Council's review and comment. The Council and the general public will see a very ambitious proposal totaling \$22,547,400 but involving no increase in the City's portion of the aggregate property tax. Excluding monies set aside for the replacement of operational equipment and vehicles and public building improvements (\$4,237,600), approximately \$18,309,800 or 81.2% is dedicated toward the repair or enhancement of City infrastructure. The key projects are as follows:

#### **FY09 Highlights (May 1, 2008 through April 30, 2009—Total of \$7,072,700):**

- Reconstruction of the 100 block of S. Main Street: \$700,000.
- Resurfacing of State Street, Main to Locust, with streetscape features: \$275,000.
- Street maintenance program: \$550,000 (\$150,000 from the new Street Maintenance Fund; \$200,000 from the Sales Tax Distributive Fund; \$100,000 contributed by the Capital Fund, and \$100,000 from the Motor Fuel Tax Fund). This assumes the letting of a street maintenance contract in the August-September period, when new revenues from the increased home rule tax proceeds and new gasoline tax have had only a few months to accrue.
- The construction of Water Tower #2: \$2,750,000.

- Engineering for Phase I of the treatment plant expansion: \$300,000.
- Installation of new de-watering facilities and a new bar screen at the Treatment Plant as part of Phase I: \$1,200,000.
- Sidewalk replacement on Commercial Street: \$150,000.
- Mitigation of contaminated soils at the Harvester Square complex: \$150,000.
- Funding for Phase II of the engineering and grading for the Peace Road bikepath from Bethany Road to IL. Rt. 64: \$165,000.
- Vehicle and equipment replacement including two police squad replacements, a large dump truck, ¾ ton pickup, lap tops for the Police squads, thermal image cameras for two fire engines, air pack replacements, a replacement SUV for the Building department, etc.: \$271,200.
- A new Elgin street sweeper: \$150,000.
- Plans for a Public Safety building addition (Police): \$175,000.

**FY10 Highlights (May 1, 2009 through April 30, 2010—Total of \$7,952,900):**

- Complete construction of Water Tower #2: \$250,000.
- Phase II engineering for the treatment plant expansion: \$400,000.
- Construction of Phase II improvements at treatment plant: \$4,700,000.
- General sidewalk replacement: \$100,000.
- Street maintenance program: \$1,800,000.
- A new Fire tanker to replace Engine 2 (1989): \$350,000.
- Vehicle and equipment replacement including two Police squads, one used SUV in the Building department, a large dump truck, more air packs, laptops for the Police squads, etc.: \$259,900.
- Re-build the 1998 Elgin street sweeper: \$75,000.

**FY11 Highlights (May 1, 2010 through April 30, 2011—Total of \$7,521,800)**

- Street maintenance program: \$1,800,000.
- Phase II engineering for the treatment plant expansion: \$450,000.
- Phase II treatment plant expansion: \$5,000,000.
- New Scada radio equipment for City well monitoring: \$200,000.
- Vehicle and equipment replacement including two Police squads, large dump truck, more air packs, laptops for the Police squads, etc.: \$224,800.

As noted in the bullet points above, the attached plan continues an annual replacement program for selected front-line vehicles and equipment for our operating departments in order to achieve some trade-in value and to maintain our safety program's priority for safe and well-maintained vehicles and equipment.

The City Manager requests Council direction so that final numbers can be put in the FY08 budget in the next few weeks.

**D. Consideration of an Administration Request for a Closed Session Regarding Collective Bargaining and Personnel Matters.**

**14. OTHER NEW BUSINESS**

**15. APPOINTMENTS**

**16. ADJOURNMENT**