

# SYCAMORE CITY COUNCIL

## AGENDA

October 6, 2008

### CITY COUNCIL COMMITTEE MEETINGS

**6:30 P.M. Meeting of the Public Works Committee** to define parameters for City liability for mailbox repairs during winter weather.

At the request of Public Works director Fred Busse, the Council's Public Works Committee will meet to consider the circumstances under which City workers should repair or replace mailboxes damaged by snow plowing operations. Each winter, local mailboxes are hit by the spray of snow and ice as a plow passes. On occasion, the blast of a heavier mix of ice or snow will knock the box from the support arm. If the mailbox is installed according to the Postal Service's regulations (see the attached graphic), the actual plow will not strike a mailbox or its base.

It will be no surprise that some residents are more concerned about the structural fitness and appearance of their mailboxes than others. Metal arms connected by a few screws to rotting wood posts are more susceptible to damage from passing plows, as are lighter-weight, plastic mailboxes which are more easily swept from their supports. The City's Public Works crews do not want to be seen as the cause of any mailbox damage, and in recent years the department has taken a number of ambitious steps to urge local property owners to keep their mailboxes in good repair or, in some cases, to re-install their posts according to Postal Service guidelines. The Public Works department sends its plow crews around each fall to their designated plowing sectors to gather a photographic inventory of non-conforming or decrepit household boxes, and then follows up with a form letter which is sent to residents with boxes in poor condition or out of compliance with proper heights and setbacks. This very time-consuming effort is useful if and when any damage occurs, and provides some justification for a refusal to repair or replace boxes that should have been repaired or replaced by the homeowner. Public Works director Fred Busse is not aware of any other department in our region that is as pro-active in its efforts to protect residents from the inconvenience of repairing mailboxes during inclement weather.

Despite the department's advance efforts, plowing operations in the winter of 2007-2008 resulted in 140 complaints from local residents. In response to these complaints, the department repaired or replaced 104 mailboxes and/or posts. Of these 104 responses, 66 involved minor repairs including the replacement of screws and the welding of cast aluminum parts, and 38 required the replacement of either the post or the box.

Mr. Busse would appreciate the Committee’s direction regarding the steps his department should take this year. There is no question that the City is legally and practically responsible for mailboxes and posts that a plow truck might strike while backing in a cul-de-sac, for instance, or any other damage caused by an operator’s negligence. However, there is a wide distance between such a minimal standard and the City’s current standard. Where should the City draw the line? Another way to put the question is: at what point would an alderman tell residents that damaged mailboxes or posts are theirs to repair or replace?

It is important to determine where this line may be drawn. A consistent approach is desired which minimizes unnecessary intervention by city crews but at the same time provides reasonable and responsive public service. In sorting through this issue, it is probably safe to assume—based on past experience—that most homeowners would locate the responsibility for any plowing damage with the driver, whatever the condition of their box and post. This perspective comes through loud and clear in the phone messages that are left for the Public Works administration when residents return home to find their mailbox half-buried in a pile of parkway snow.

The Committee’s direction is requested.

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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 September 15, 2008.
  - B. Payment of the Bills for October 6, 2008.
- 7. PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.**
  - A. Sycamore Economic Development Commission member and Mayor Ken Mundy will introduce Kent Clapsaddle of CMJ Technologies who will describe his company’s new services in the City of Sycamore.
- 8. REPORTS OF OFFICERS**
- 9. REPORTS OF STANDING COMMITTEES**

**10. PUBLIC HEARINGS--None**

**11. ORDINANCES**

**A. Ordinance No. 2008.33—An Ordinance Concerning the Recommendation of the Plan Commission with Regard to the Petition of BTS Tower Development, LLC for a Special Use Permit for a 190-Foot Monopole Wireless Communication Tower at the Southeast Corner of Page and North California Streets in the City of Sycamore, Illinois. Second Reading.**

This ordinance was heard on first reading only on September 15 in light of the absence of a company spokesperson to address a number of Council questions about the potential public benefits of the proposed special use permit.

BTS Tower Development proposes to erect a 190-foot monopole wireless communication tower at the southeast corner of Page Street and N. California Street. The exact location is the parking area at the northwest corner of the property that is presently owned by Dick Anderson, and was formerly one of several Duplex facilities. A public notice was published for a hearing at the Plan Commission and Council levels, and letters were sent to adjacent property owners advising them of the petition.

**Special Use Permit Requirements:**

In the City’s Unified Development Ordinance (“UDO”), a commercial communication tower is permitted in the Agricultural (AG); Central Business (C-2); Highway Business (C-3); Light Manufacturing (M-1); Heavy Manufacturing (M-2); and Office, Research, Light Industrial (ORI) zoning districts by special use only. According to Article 4.3.3 of the City’s Unified Development Ordinance (“UDO”), special uses may be granted only if the following evidence is established:

1. The proposed structure or use at the requested location is necessary or desirable to provide a service or a facility which is in the interest of the public and will contribute to the general welfare of the neighborhood or community;
2. The proposed structure or use will not have a substantial adverse effect upon the adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety, and general welfare; and
3. The proposed structure or use will be designed, arranged, and operated so as to permit the development and use of neighboring property in accordance with the applicable district regulations.

The Council will be ruling on how these special use criteria may apply to the petitioner’s request.

**Zoning Requirements:**

In terms of zoning criteria, some relevant provisions are found in the UDO and some are found in the City Code. According to the UDO’s Table of Permitted Uses (Article 5.3.1), communication towers of the type proposed here may be installed in several zoning districts, including “M-1” Light Manufacturing districts. The parcel in question is zoned “M-1.” Article 6.2.1 of the UDO references two other two other relevant sets of standards which

apply in this case: the federal Telecommunications Act of 1996 and the Sycamore City Code, Title 3, Chapter 15. The City Code provisions are attached.

According to the City Code, the local zoning requirements for communication towers also include the following:

- Towers shall be located in the side or rear yard. In the case of a corner lot, the tower shall not be closer to the adjoining side street than the principal building. The proposed location is a corner side yard. If the tower was permitted, it would be approximately 60 feet from California Street and 40 feet from Page Street, in conformance with the setback requirements (25 feet and 15 feet, respectively).
- Towers shall not be visible between the ground level and ten feet (10) above ground from any adjoining street. The UDO allows fences up to 10 feet in height in M-1 zoning districts if installed in the rear and side yards (Article 6.2.1, D,2).

In the opinion of Building Commissioner and Zoning Officer Lyle Doty, the proposed tower meets the City's zoning requirements.

**Co-Location Protocol:**

The City Code also prescribes co-location protocols to assure that efforts are made by a communication tower builder to minimize the diffusion of antennas throughout the community. When the petitioner was heard by the Plan Commission on August 11, the required letters to communication companies operating locally had yet been mailed by the petitioner. Since the August Plan Commission meeting, certified letters have been sent to T Mobile, US Cellular, Media Flow, Verizon Wireless, AT&T, and Sprint Nextel to notify them of the opportunity to locate antenna on the proposed tower. These mailings (see attached copies) satisfy the City's co-location requirement.

**FAA Review:**

For its part, the DeKalb Taylor Municipal Airport collaborates with the FAA through an established review process tied to the specific location of the tower in relation to flight paths served by the airport. According to the petitioner, the FAA has completed its review of the proposed tower's location and design. A very sparse but official notice accepting the proposed project is appended.

**DeKalb County Review:**

Any potential conflict between the proposed tower and communications controlled by the DeKalb County Sheriff's Department through its tower on Locust Street is also of vital concern. Lyle Doty has been in contact with Lt Newby of the department. Lt. Newby has verbally communicated his satisfaction that the proposed tower would not interfere with transmissions from the County tower, within certain defined frequencies.

**Recommendation:**

The Plan Commission considered this petition initially on August 11 but tabled the matter pending further information from the FAA and DeKalb County. On September 8, the Commission again took up this matter and declined to recommend the issuance of a special use permit by a vote of 0-9. In the Commission's opinion, the petitioner failed to meet key

special use permit requirements, including the need to establish that the proposed structure was in the public interest or would contribute to the general welfare of the neighborhood or community. In view of the Commission's negative action, a special use permit may only be issued by the Council upon a favorable two-thirds vote of the corporate authority.

City Council concurrence with the Plan Commission's action is requested.

**B. Ordinance No. 2008.34—An Ordinance Establishing and Fixing Compensation for Elected Officials of the City of Sycamore, Illinois. First and Second Reading.**

At the last regular City Council meeting of September 15, the Council considered the compensation of Sycamore's elected officials. According to state statute (50 ILCS 145/2; 65 ILCS 5/3.1-50-10), the compensation of elected officials must be fixed by ordinance at least 180 days before the beginning of the terms of officials whose compensation is to be fixed. The salaries of elected officials may not be increased or diminished during the terms of such officials.

As noted at the September 15 Council meeting, the following salaries are presently paid to Sycamore's elected officials:

- a) Mayor: a gross annual salary of \$18,000 plus an additional \$2,000 for service as Liquor Commissioner.
- b) Council: a gross annual salary of \$4,800.
- c) City Clerk: a gross annual salary of \$45,900. This salary includes service to the Plan Commission, Zoning Board, and a variety of ad hoc committees appointed by the Mayor.

City Clerk Candy Smith addressed the subject of the Clerk's compensation in the attached memorandum. As she explained, unlike other city elected positions, the City Clerk is by local code a full-time position. In weighing a fair compensation for this position, the Council considered that the record-keeping and administrative functions of the Clerk are comparable to those of senior administrative assistants in other professional organizations. The Council considered City Clerk Smith's suggested gross salary of **\$53,700** for the period stretching from May 1, 2009 through April 30, 2010, and commented favorably. The proposed salary of \$53,700 is comparable to the average salary (\$54,000) of full-time City Clerks in comparable cities, and would represent an average annual increase of 4% for the period 2004 to 2009.

When the possibility of annual salary increases for the City Clerk during the period May 1, 2010 through April 30, 2013 was discussed, it was suggested that a relevant cost-of-living index might be identified. The cost-of-living index that the City often uses in municipal contracts is the Consumer Price Index published periodically by the U.S. Bureau of the Budget, and more particularly the Consumer Price Index for Region V, Chicago-Gary-Kenosha. However, after further research, City Attorney Keith Foster has concluded that such indexing would not satisfy the state statutory framework which requires increases to be "definite and certain" (see the attached letter from Keith Foster). Cost-of-living indexes such as those published by the state or federal government are tied to movements in prices, so are potentially volatile and are likely not to be "definite and certain." Nevertheless, City

Attorney Foster suggests that as an alternative the Council could identify a specific annual inflationary adjustment of a certain percentage and thereby satisfy the state statutory framework. An annual adjustment of 4%, which is close to the historic average for management salary increases over the past seven years, is identified in the ordinance.

City Council direction is requested.

**C. Ordinance No. 2008.35—An Ordinance Amending Title 9, “Building Regulations,” Chapter 2, “Building Codes,” Section 9-2-1, “Building Code” to Adopt the 2006 International Building Code. First Reading Only.**

The attached ordinance along with Ordinances 2008.36 through 2008.44 would thoroughly revise the basic building code framework that regulates building construction and fire prevention within the City of Sycamore. For decades, the City has enforced the code series developed and periodically updated by Building Officials and Code Administrators International, Inc., commonly known as the “BOCA” code. The City presently enforces the 1999 BOCA code provisions. In 2000, after decades of consultation and negotiation among building officials, code administrators, and the three major building code organizations in the United States--BOCA, the International Conference of Building Officials (ICBO) and the Southern Building Code Congress (SBCCI)—the first edition of the International Building Code was published. Thereafter, the three independent code writing organizations were merged into the International Code Council, Inc. The City continued to enforce the 1999 BOCA code series after this organizational merger because of its familiarity to the City’s code officials and local builders and tradesmen, and because the new code series was as yet untested in the courts and in the field. In the past five years, a substantial number of American communities have moved to the adoption and enforcement of the International Code series, and the Insurance Services Organization (“ISO”) now insists on the City’s adoption of the International Code series to maintain the community’s insurance rating. The 2006 edition of the code series is the most current edition.

The format of the International Code series is significantly different than the most recent BOCA code series, and there are some substantive differences as well. Building Commissioner Lyle Doty and the Building Department staff have reviewed all of the various International Code texts and have met with local builders and contractors to review the potential impacts on their work and the pricing of that work. A formal meeting was held on August 26 for any interested parties potentially affected by any code changes, and individual contractors have participated in an ongoing dialogue with Building Commissioner Doty since the prospect of a general code upgrade was broached in late July. To illustrate the differences, a detailed list prepared by Mr. Doty concerning differences in the International Code series is attached.

It is not uncommon for communities to adopt building code series with detailed amendments to address local conditions. However, following a review of the City’s “building code effectiveness classification” in late July, the Insurance Services Organization (ISO) advised the City that it risks a regression in its community rating and resulting increases in propertyowner fire insurance rates if it does not essentially adopt the new code series as

printed. Accordingly, the attached ordinances limit local amendments primarily to minor administrative matters, such as local fine amounts for failure to comply, etc.

Affirmative Council action is expected by the ISO no later than October 25. The proposed code upgrades are presented on first reading to provide additional opportunities for contractors and builders most affected by the codes to comment.

**D. Ordinance No. 2008.36—An Ordinance Amending Title 9, “Building Regulations,” Chapter 2, “Building Codes,” Section 9-2-6, “Existing Buildings” to Adopt the 2006 International Existing Building Code. First Reading Only.**

See Ordinance 2008.35.

**E. Ordinance No. 2008.37—An Ordinance Amending Title 9, “Building Regulations,” Chapter 2, “Building Codes,” Section 9-2-2, “Building Code” to Adopt the 2006 International Residential Code. First Reading Only.**

See Ordinance 2008.35.

**F. Ordinance No. 2008.38—An Ordinance Amending Title 9, “Building Regulations,” Chapter 2, “Building Codes,” Section 9-5-1, “Building Code” to Adopt the 2006 International Property Maintenance Code. First Reading Only.**

See Ordinance 2008.35.

**G. Ordinance No. 2008.39—An Ordinance Amending Title 9, “Building Regulations,” Chapter 2, “Building Codes,” Section 9-2-7, “Mechanical Code” to Adopt the 2006 International Mechanical Code. First Reading Only.**

See Ordinance 2008.35.

**H. Ordinance No. 2008.40—An Ordinance Amending Title 9, “Building Regulations,” Chapter 4, “Electricity and Fire Protection,” Section 9-4-2, “Codes Adopted” to Adopt the 2006 International Fire Code. First Reading Only.**

See Ordinance 2008.35.

**I. Ordinance No. 2008.41—An Ordinance Amending Title 9, “Building Regulations,” Chapter 2, “Building Codes,” Section 9-2-8, “Fuel Gas Code” to Adopt the 2006 International Fuel Gas Code. First Reading Only.**

See Ordinance 2008.35.

**J. Ordinance No. 2008.42—An Ordinance Amending Title 9, “Building Regulations,” Chapter 2, “Building Codes,” Section 9-2-9, “Energy Conservation Code” to Adopt the 2006 International Energy Conservation Code. First Reading Only.**

See Ordinance 2008.35.

**K. Ordinance No. 2008.43—An Ordinance Amending Title 9, “Building Regulations,” Chapter 2, “Building Codes,” Section 9-2-10, “Performance Code” to Adopt the 2006 International Performance Code for Buildings and Facilities. First Reading Only.**

See Ordinance 2008.35.

**L. Ordinance No. 2008.44—An Ordinance Amending Title 9, “Building Regulations,” Chapter 2, “Building Codes,” Section 9-2-11, “Wildland-Urban Interface Code” to Adopt the 2006 International Wildland-Urban Interface Code. First Reading Only.**  
See Ordinance 2008.35.

**12. RESOLUTIONS--None**

**13. CONSIDERATIONS**

**A. Consideration of the City of Sycamore’s Financial Statements for Fiscal Year 2007-2008, Including the Independent Auditor’s Report.**

Dennis Hildebrandt and his audit team from Siepert & Co., LLP have completed the audited financial statements for the City of Sycamore as of April 30, 2008, along with the independent auditor’s report. Several features are noteworthy:

1. For the tenth consecutive year, the City realized a General Fund budget surplus. On a modified accrual basis, the FY08 surplus was \$306,825. Over the previous six years, the surpluses were as follows: \$1,377,840 in FY07; \$1,269,227 in FY06; \$1,069,896 in FY05; 1,159,856 in FY04; \$688,865 in FY03; \$1,232,619 in FY02. Retained earnings in the General Fund are dedicated toward accrued leave obligations, emergency expenses, and public building improvements such as Fire Station 2 and the Sycamore Center.
2. As of April 30, 2008 the General Fund cash reserve was \$4,974,389, or 41.09% of the FY09 budgeted expenditures.
3. The Water Fund ended FY08 with an operating cash reserve of \$5,545,594, an increase of \$260,364 over the year ending April 30, 2007.
4. The Sewer Fund ended FY08 with an operating cash reserve of \$6,337,853, an increase of \$615,718 over the year ending April 30, 2007.
5. In the Independent Auditor’s Report it was noted that the City was in compliance with the guidelines established by the Government Accounting Standards Board (GASB 34) for calculating and depreciating the cost of public improvements, infrastructure, and property in general.

Representatives of the accounting firm of Siepert & Co. will be on hand to answer any Council questions.

**B. Consideration of an Administration Recommendation for a Closed Session to Discuss Collective Bargaining Matters.**

**14. OTHER NEW BUSINESS**

**15. APPOINTMENTS**

**16. ADJOURNMENT**