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**SYCAMORE CITY COUNCIL – REGULAR MEETING  
MINUTES OF JANUARY 7, 2008**

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**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, Darren Knuth, Rich Neubauer, Pete Paulsen, Chuck Stowe, and Gregory Taylor. Alderperson Terry Kessler was absent.

**INVOCATION**

Pastor Steve Persson of the First Baptist Church gave the invocation.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

**Motion**

Alderperson Taylor moved to approve the agenda and Alderperson Neubauer seconded the motion.

**Voice vote**

Mayor Mundy called for a voice vote to approve the motion. All Alderpersons voted aye. Motion carried 7 - 0.

**AUDIENCE TO VISITORS**

Rose Treml, Chamber of Commerce Executive Director, introduced new Discover Director Jamie Sands.

Peter Barick, 433 W. High Street, said he opposed another liquor vendor license at this time.

**CONSENT AGENDA**

- A. Approval of the Minutes for the Regular City Council Meeting of December 17, 2007.
- B. Payment of the Bills for January 7, 2008 in the amount of \$2,352,556.60.

**Motion**

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

**Voice vote**

Mayor Mundy called for a voice vote to approve the motion. All Alderpersons voted aye. Motion carried 7 - 0.

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

Alderperson Stowe said he had received an email from a constituent asking the regulations for snowmobiles in the City limits.

Acting Police Chief Johnson said they are not allowed to operate on roadways, sidewalks, or private property without express consent.

Alderperson Taylor said he has noticed the two parking lots adjoining Somonauk and Elm are always full and asked if anybody knew where all those people are.

City Manager Nicklas said many of the cars are vehicles owned by employees of businesses downtown. He said the expansion of some commercial office has created fewer regular open spaces.

Mayor Mundy noted that the West State Street lot is generally half full during the daytime and Johnson Blvd. usually has open space.

Aldersperson Taylor said it looks like there is no free parking for people shopping.

Aldersperson Bauer invited everybody to enjoy Sycamore's smoke-free restaurants and suggested the City might provide smoking urns to eliminate the litter.

Mr. Nicklas said he would look into that.

Mayor Mundy solicited volunteers for an organizational meeting in mid-February for Sycamore's Sesquicentennial. He said this would not be a City of Sycamore governmentally driven celebration, but will be a community event. He asked those interested in volunteering to contact him.

Aldersperson Paulsen thanked the public for their feedback on the issues on the agenda.

## **REPORT OF OFFICERS**

Manager – Bill Nicklas said this is the time of year for considering Capital projects and planning for next fiscal year's operational budget. He said by the end of January the departments have fleshed out program budgets within targets he set for them. He said he will have a report for the operational side on January 21 and on the Capital side at the second meeting in February. He said he would also have a "first pass" at a prioritized street maintenance list to present to Council at the second meeting in February.

Engineer – John Brady reported that he had attended an Open House hosted by DNR and FEMA presenting preliminary flood plain maps. He said there is a 30-day comment period and he anticipates hearing back from FEMA in June and then there will be a 6-month period to adoption when we update our flood plain ordinance. He said the new maps should be in affect in about one year.

Building & Zoning – Lyle Doty said he is gathering information for the 2007 year-end report. He said that 227 permits were issued for residential housing with a value of \$25,710,000 and the commercial/industrial permitted value was \$22,661,000 with only a \$3million difference. He said it looked like the City was nearing its desired residential-commercial balance in 2007.

Fire Chief – Bill Riddle reported that the new Fire Station is enclosed and heated and soon the interior dry walling will begin. He also noted that former KEC student Tony Kelly stopped by the Station. He said that Tony is with the 82<sup>nd</sup> Airborne and will soon leave for a second tour in Afghanistan.

Treasurer/Asst. City Manager – Brian Gregory reported that 88 Transfer Stamps were purchased in 2007 and \$117,052.51 was transferred to the School District. He said \$1,052,000 has been transferred since the beginning of the program June 2006.

Public Works Director – Fred Busse said to date they have used a whole season's worth of salt, but they do have about 700 tons of salt in the storage shed. He said that crews are out filling pot holes and asked the

public to report pot holes to Public Works. He also noted that they would repair plow damage to yards in the spring.

Assistant Public Works Director – Ebe Smith said this week they will be picking up branches from the December ice storm that got buried in the snow. He said that Waste Management will pickup Christmas trees over the next two weeks. He said the Water Division asked him to report that there have been no water main breaks since the last Council meeting.

Acting Police Chief – Darrell Johnson said the newest hire, Andrew Neuman, started classes in Champaign this week and new officer Dana Allen was sworn in this morning.

## **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 Regarding the Interest of Public Agencies in the Engh Farmstead.**

Mayor Mundy opened the Public Hearing and asked that the two requestors begin the process with their presentations.

Michelle Donahoe, Sycamore Historical Society Executive Director, said their proposal had not changed, but she wanted to address a few concerns that had been mentioned in the past. She said they are a small organization and have limited resources, but they are growing and last year offered 66 programs with over 2,352 participants which was double the year before. She said they have met a challenge to establish a grant; they were given \$5,000 and they will set that up in an endowment which will increase their financial stability. She said that over the last month they have had positive feedback about moving to the Engh property and have had offers of significant farming material to their collection. She said that the Engh farmstead presents a great opportunity to preserve the farming heritage of Sycamore and encouraged Council to make a decision so they can move ahead with their planning.

Alice Elliott, DeKalb County Court Services Juvenile Supervisor, emphasized that there is a subsection of our community without a stable, safe environment at home. She said the only recourse they have now to remove the child from their home is to house the youth in a juvenile detention facility or place them in a residential group home neither of which provides an environment that mirrors a normal family life. She said they have made a commitment to address this issue by recruiting foster home and developing a short-term County Safe House. She said the home would be occupied full-time by a family that is selected and trained by Court Services. Ms. Elliott said the smaller house on the property would be utilized as a transitional living house for older adolescents, 17-21 years old, involved in the court system. She said transportation is a major obstacle to obtain services for their clientele and this location would allow those services to be performed on site while maintaining the integrity of the home environment. She said the County Board, Sycamore Township, community agencies, and private citizens have all voiced their support for this project.

Russ Josh, DeKalb County Probation Officer, said that about a year earlier they approached the City with a thought of having a placement somewhere in Sycamore due primarily because of the proximity to the Court system and a lot of different agencies. He said the Engh farm was brought up and the discussion began about that location for a foster home. He said he thought this project was worthy of the property and would maintain the integrity of the farm. He said there would be little impact on neighboring properties and said "you could store history there or make history there."

Robert Smith, 114 Sabin Street, asked if the Engh farm was leased, what would happen at the end of the lease.

Mayor Mundy said he is assuming it would be a continued use by the same entity.

Averil Shriver, 29500 Glidden Road, Kingston, said she is President of the DeKalb County Historical Society and urged Council to favorably consider the long-range value of the family-oriented Engh Farm to be used as the Sycamore Historical Society, Park District, and YMCA have proposed.

Peter Barick, 433 W. High St., said he felt that Sycamore has an opportunity to extend its hand to support the social local program provider to care for our youth at risk and he asked Council to award the use of the property to DeKalb County Court Services.

Warren Lowe, 513 S. Locust St., said he felt this was an opportunity to let the youth know that we believe in them.

Ken Andersen, 407 Hadley Ct., said as a resident and a County Board Member, he said he was in favor of using the property for the youth of Sycamore and DeKalb County.

Cliff McConnell, 149 Thomas Dr., said he was an agriculture appraiser and has worked with Harry Engh from the conversion of the property from production agriculture to the development of the Heron Creek Subdivision. He said he thought the obvious use of the property would be as a museum.

Rick Turner, 714 Somonauk St., said as a pro-bono attorney for CASA cases, he watches Judge Klein deal with that population. He said those kids have nowhere else to turn and those kids need a place.

Donna Francisco, 126 W. Ellen Ave., Cortland, said she is currently a foster Grandma who is caring for a young man under house arrest. She said she thought this farm would be a place where these kids could benefit.

Bart Desch, 1810 Kerrybrook Dr., asked if it was the job of the City of Sycamore to serve the YMCA which is a faith-base, fee-based organization. He said he thought this move would hurt the future of the Park District.

Michael Stack, 530 Viking Dr., said earlier he thought the best use was the museum, but after listening tonight he has changed his mind and feels that the DeKalb County Court Services is the best use for the Engh Farm.

Richard Stipher, 356 Orchard Ln, encouraged Council to consider using the Engh property for the Sycamore Historical Society Museum.

Anita Turner, 714 Somonauk St., said as a DeKalb County Board member she supports the DeKalb County Court Services proposal.

Tim Beasley, 30683 Carolwood Dr., Genoa, said as President of the YMCA he thought it was great to have this conversation about the care of our kids through Court Services and through the Park District and Sycamore Historical Society. He said that last year the Y gave away over \$200,000 in scholarships to children of need for day camp where nobody is turned away. He said the YMCA is hoping to partner with other organizations besides the Park District and the Sycamore Historical Society.

Mayor Mundy noted a letter from the County Board with 15 of their 24 signatures. He said he received a letter from the DeKalb Ag Alumni group looking for suitable space to store, catalog, and open old records for the public. He said he has received a number of calls supporting both requestors.

David Peek, Park District Executive Director, said the Park District also services thousands and thousands of kids and they also have a scholarship program and do not turn children away for lack of means or resources. He said the Park District was offered this property in 2005, but because there were tenants on the grounds they declined it. He noted that the Park District is in the mode to reach out and partner with other organizations in the community and would also like to bring in the High School Ag students and Pumpkin Fest Committee.

Joe Bussone, 1725 Brock Circle, said he has compassion for the needs of the DeKalb County Court System, but felt that more people would benefit from the Park District, YMCA, and Sycamore Historical Society proposal.

Upon hearing no further comment, Mayor Mundy closed the hearing.

**B. Public Hearing on a Proposed Increase in the City's Home Rule Sales Tax from 0.75% to 1.25%.**

Mayor Mundy opened the hearing.

Ken Andersen, 407 Hadley Ct., said he opposed any increase of any taxes at this time.

David Peek, 923 Meadow Ln., commended the City for their research and diligence in putting together this package of resources for street maintenance in the most logical and with the lowest impact possible.

Upon hearing no further comment, Mayor Mundy declared the hearing closed.

**C. Public Hearing on a Proposed City Gasoline Tax of Two Cents Per Gallon.**

Ken Andersen, 407 Hadley Ct., said he opposed any new taxes.

Richard Stipher, 356 Orchard Ln., said nobody likes new taxes, but we need to keep our streets in repair.

David Peek, 923 Meadow Lane, said nobody likes new taxes, but what will be the cost of doing nothing.

Robert Smith, 114 Sabin St., asked if the City was proposing to pass both taxes or just one.

Mayor Mundy said the recommendation is to pass both of the taxes to go toward street repair.

Robert Smith said he opposed the gasoline tax.

Upon hearing no further comment, Mayor Mundy closed the hearing.

## **ORDINANCES**

### **A. Ordinance No. 2007.40—An Ordinance Amending Title 3, “Business and License Regulations,” Chapter 13, “Occupation Taxes,” Sections 3-13-1 and 3-13-2 of the City Code of the City of Sycamore, Illinois to Impose a Sales Tax of 1.25% on Gross Receipts and Services in the City of Sycamore, Illinois. First Reading Only.**

City Manager Nicklas stressed this ordinance is First Reading Only which means no action will be taken tonight. He said if this is approved then Council will commit itself to a resolution that all of the increased proceeds into a street maintenance fund that will become part of the City’s budget.

### **B. Ordinance No. 2007.41—An Ordinance Imposing a Retail Tax on the Sales of Motor Fuel Within the City of Sycamore, County of DeKalb, Illinois. First Reading Only.**

City Manager Nicklas said this will be a new tax that if passed will be used exclusively for street maintenance.

### **C. Ordinance No. 2007.42—An Ordinance Assuring Smoke-Free Air in Public Places in the City of Sycamore, County of DeKalb, Illinois. First and Second Reading.**

City Manager Nicklas explained that this ordinance complements the State statutory prohibition against smoking in public places. He said this will allow our Police officers to write ordinance violations and is the most efficient way for our Police Officers to enforce the law.

#### **Motion**

Aldersperson Knuth moved to hear ordinance 2007.42 on first and second reading and Aldersperson Taylor seconded the motion.

#### **Voice vote**

Mayor Mundy called for a voice vote to approve the motion. All Alderspersons voted aye. Motion carried 7 - 0.

#### **Motion**

Aldersperson Paulsen moved to approve Ordinance 2007.42 and Aldersperson Knuth seconded the motion.

Aldersperson Taylor asked if this was more restrictive than the State Statutes.

Mr. Nicklas said it was essentially the same.

#### **Amended Motion (fails for lack of a second)**

Aldersperson Stowe proposed to amend the motion by striking “or any other home-based business” under # 6. Exemptions, Paragraph A.

Mr. Nicklas said we cannot be less restrictive than the State Statute, but we can be more restrictive. He said we could check the State's language.

City Attorney Keith Foster said he was confident that this was the State's language.

Aldersperson Taylor said he thought it looked like the exemption was for homes where others were cared for.

Aldersperson Stowe said he fixes bicycles in his basement and if he is a legal home-based business he could not smoke in his home.

Mr. Nicklas said according to the law, anybody dropping off or picking up bicycles should not be exposed to second-hand smoke. He said the City will be responding to complaints and will not be out knocking on doors checking for smoking.

**Roll call vote**

Mayor Mundy called for a roll call vote to approve the motion. Alderspersons Adee, Bauer, Knuth, Neubauer, Paulsen, and Taylor voted aye with Aldersperson Stowe voting nay. Motion carried 6 - 1.

**D. Ordinance No. 2007.43—An Ordinance Amending Title 4, “Public Health and Safety,” Chapter 3, “Nuisances,” Section 4-3-2, “Abatement of Nuisances,” of the City Code of the City of Sycamore, Illinois. First and Second Reading.**

City Manager Nicklas explained that this ordinance clarifies the notice requirements that meet the due process provisions of state and federal law for abatements that require the entry of persons on private property to render a cleanup.

**Motion**

Aldersperson Bauer moved to hear ordinance 2007.43 on first and second reading and Aldersperson Adee seconded the motion.

**Voice vote**

Mayor Mundy called for a voice vote to approve the motion. All Alderspersons voted aye. Motion carried 7 - 0.

**Motion**

Aldersperson Paulsen moved to approve Ordinance 2007.43 and Aldersperson Taylor seconded the motion.

**Roll call vote**

Mayor Mundy called for a roll call vote to approve the motion. Alderspersons Adee, Bauer, Knuth, Neubauer, Paulsen, Stowe, and Taylor voted aye. Motion carried 7 - 0.

**E. Ordinance No. 2007.44—An Ordinance Amending Title 5, “Police Regulations,” Chapter 6, “Parades,” Section 5-6-11, “Illegally Parked Vehicles; Towing” of the City Code of the City of Sycamore, Illinois. First and Second Reading.**

City Manager Nicklas explained that this ordinance provides for towing of vehicles parked on public rights-of-way, parking lots, or any other public place after a period of seven days.

**Motion**

Aldersperson Paulsen moved to hear ordinance 2007.44 on first and second reading and Aldersperson Stowe seconded the motion.

**Voice vote**

Mayor Mundy called for a voice vote to approve the motion. All Alderpersons voted aye. Motion carried 7 - 0.

**Motion**

Alderperson Paulsen moved to approve Ordinance 2007.44 and Alderperson Stowe seconded the motion.

**Roll call vote**

Mayor Mundy called for a roll call vote to approve the motion. Alderpersons Adee, Bauer, Knuth, Neubauer, Paulsen, Stowe, and Taylor voted aye. Motion carried 7 - 0.

**F. Ordinance No. 2007.45—An Ordinance Amending Title 6, “Motor Vehicles and Traffic,” Chapter 2, Parking Regulations,” Section 6-2-9, “Parking Vans, Motor Homes, Mobile Homes, Trailers, Tractors, Buses, and Trucks,” of the City Code of the City of Sycamore, Illinois. First and Second Reading.**

City Manager Nicklas said this ordinance flatly prohibits the parking of “second division” vehicles on any street except for loading or unloading or deliveries.

Alderperson Neubauer said that Police Chief Thomas had said that this would be complaint-based enforcement and asked if there were not complaints, would it be okay to park an RV on the street for a few days.

Acting Police Chief Johnson said they do not have the manpower to go around and look for these types of violations.

Mayor Mundy said there is an appeal process for all of these ordinances.

**Motion**

Alderperson Paulsen moved to hear ordinance 2007.45 on first and second reading and Alderperson Neubauer seconded the motion.

**Voice vote**

Mayor Mundy called for a voice vote to approve the motion. All Alderpersons voted aye. Motion carried 7 - 0.

**Motion**

Alderperson Paulsen moved to approve Ordinance 2007.45 and Alderperson Neubauer seconded the motion.

**Roll call vote**

Mayor Mundy called for a roll call vote to approve the motion. Alderpersons Adee, Bauer, Knuth, Neubauer, Paulsen, Stowe, and Taylor voted aye. Motion carried 7 - 0.

**G. Ordinance No. 2007.46—An Ordinance Amending Title 6, “Motor Vehicles and Traffic,” Chapter 7, Inoperative Motor Vehicles,” Section 6-7-2, “Inoperative Vehicles Prohibited” of the City Code of the City of Sycamore, Illinois. First and Second Reading.**

City Manager Nicklas said this ordinance provides more definition to how a vehicle is judged “abandoned.”

**Motion**

Alderperson Paulsen moved to hear ordinance 2007.46 on first and second reading and Alderperson Neubauer seconded the motion.

Aldersperson Paulsen said people asked him about being ticketed while on vacation and he said they would not be ticketed. He said this ordinance is designed for cars that are chronically parked on the street without being moved.

**Voice vote**

Mayor Mundy called for a voice vote to approve the motion. All Alderspersons voted aye. Motion carried 7 - 0.

**Motion**

Aldersperson Paulsen moved to approve Ordinance 2007.46 and Aldersperson Stowe seconded the motion.

**Roll call vote**

Mayor Mundy called for a roll call vote to approve the motion. Alderspersons Adee, Bauer, Knuth, Neubauer, Paulsen, Stowe, and Taylor voted aye. Motion carried 7 - 0.

**H. Ordinance No. 2007.47—An Ordinance Amending Title 7, Public Ways and Property,” Chapter 1, “Streets, Sidewalks and Public Ways, General Provisions,” Section 7-1-15, “Snow Removal” of the City Code of the City of Sycamore, Illinois. First and Second Reading.**

City Manager Nicklas explained that this ordinance removes the “eight (8) hours after a snowfall has occurred” out of the language and simply makes it the duty of owners or their designees in the downtown commercial district to keep the adjacent sidewalk free of snow and ice.

**Motion**

Aldersperson Paulsen moved to hear ordinance 2007.47 on first and second reading and Aldersperson Neubauer seconded the motion.

**Voice vote**

Mayor Mundy called for a voice vote to approve the motion. All Alderspersons voted aye. Motion carried 7 - 0.

**Motion**

Aldersperson Paulsen moved to approve Ordinance 2007.47 and Aldersperson Stowe seconded the motion.

**Roll call vote**

Mayor Mundy called for a roll call vote to approve the motion. Alderspersons Adee, Bauer, Knuth, Neubauer, Paulsen, Stowe, and Taylor voted aye. Motion carried 7 - 0.

**RESOLUTIONS - None**

**CONSIDERATIONS**

**A. Consideration of Community Proposals for the Future Use of the Engh Farmstead.**

Mayor Mundy said in light of the Public Hearing, other discussions, and mail and phone calls from constituents, it is time for council to consider this.

Aldersperson Adee said she would like to know why we can't have all three things take place out there. She said the kids could be in the houses and the other buildings could be used for the Historical Society.

Aldersperson Knuth said as an Agriculture teacher he was torn between the agues and the youth services, but he said he was leaning heavily toward the Court Services use.

Aldersperson Neubauer said the feedback from his constituents was to go with the Museum, Y, and Park District proposal. He said he would support the County and City working together to find an alternative location for the youth house.

Aldersperson Bauer said he thought the Engh Farm itself was more conducive to the Museum setting. He said that he thought it was fair to say that that was Harry Engh's original intent. He said his sentiment would lie with the Museum property. He also said that this was the first he heard about the DeKalb Ag Alumni potentially participating in this process and he thought that was exciting and would add tremendously to the Museum's potential in Sycamore.

Aldersperson Stowe said his biggest concern was that this does not become a financial drain to the City. He said he had received many phone calls and his constituents have told him they want the Museum there. He said he would like to see more work done before he is ready to turn it over.

Aldersperson Taylor said he would kind of mirror what Aldersperson Stowe brought up. He said his wife serves on CASA's Board and he recognizes that as a very valuable organization, but he felt there were a number of locations suitable for the foster families. He said he thought the Engh Farm was unique to Sycamore and was leaning toward the Museum use.

Aldersperson Paulsen said he has a biological daughter and an adopted son and he would do everything possible to help both of the proposals come to light in some shape or form. He said his vote will be for the Park District/Museum proposal.

Aldersperson Bauer said he thought the City could proactively work with the County to find a site to accommodate the needs for the foster home.

### **Motion**

Aldersperson Bauer moved to proceed toward the Sycamore Historical Society and Museum and Park District proposal with the condition that the details are worked out and Aldersperson Stowe seconded the motion.

### **Roll call vote**

Mayor Mundy called for a roll call vote to approve the motion. Alderspersons Bauer, Neubauer, Paulsen, Stowe, and Taylor voted aye with Alderspersons Adee and Knuth voting nay. Motion carried 5 - 2.

Mayor Mundy said that he would like the City to work with DeKalb County to find a suitable place in the City for a foster home. He thanked the Engh Family for their generosity in donating the property to the City.

## **B. Consideration of a Request for a New Package Liquor License.**

City Manager Nicklas explained that at the last meeting under "Audience to Visitors" a couple gentlemen expressed interest in a package liquor license at 205 S. California Street. He said he listed in the background the 19 liquor licenses that allow in some form the sale of packaged liquor. He said the most obvious question is whether Council is inclined to adjust the City's policy or stick with the policy that has a population-based limit except by extraordinary vote of the Council.

Aldersperson Bauer said there was a straw poll and asked what that result was.

Aldersperson Taylor said he thought it was 7 – 1 opposed with him being the one.

Mr. Nicklas said he thought there was one other in favor and he asked if the Council was willing to make a very clear statement.

**Motion**

Aldersperson Stowe moved to make no change in the present ordinance and Aldersperson Bauer seconded the motion.

Aldersperson Taylor asked for an explanation of the population-based limit.

Mayor Mundy said there was sentiment within City Government not to fill the community with packaged liquor stores and bars. He said in two years there have been four variances and this was added to get the sense of the Council if there was interest in changing the ordinance.

**Voice vote**

Mayor Mundy called for a voice vote to approve the motion. All Alderspersons voted aye. Motion carried 7 - 0.

**OTHER NEW BUSINESS**

Aldersperson Neubauer said he had passed out a document putting together some numbers that showed what would have happened if there would have been road impact fees in places five years ago.

**APPOINTMENTS**

**ADJOURNMENT**

**Motion**

Aldersperson Stowe moved to adjourn the meeting at 9:10 p.m. and Aldersperson Paulsen seconded the motion.

**Voice vote**

Mayor Mundy called for a voice vote to approve the motion. All Alderspersons voted aye. Motion carried 7 - 0.

Approve:

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

Attest:

\_\_\_\_\_  
City Clerk – Candy Smith