

---

**SYCAMORE CITY COUNCIL – REGULAR MEETING  
MINUTES OF FEBRUARY 4, 2008**

---

**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, Rich Neubauer, Pete Paulsen, Chuck Stowe, and Gregory Taylor.

**INVOCATION**

Pastor Scott Trandal of Sycamore Victory 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 8 - 0.

**AUDIENCE TO VISITORS**

Karen Lyons, 310 Garden Ct., said she asked supporters of the Mapes Annexation why they supported it and they said "it was not that much." She said that townhouses will compete with existing houses in Sycamore dollar for dollar. She said she wanted to hear one good reason why we really need this and said she would like to see Sycamore protected like the "gray foxes" protected Geneva. She said she did not care "whose palm gets greased" and by that she said she meant she didn't care who benefits. She said that there are 3700 houses approved and not yet built.

Peter Barick, 433 W. High St., referred to the 2004 "green" referendum asking for no annexation for seven years to maintain the open space. He said he has not seen data where this annexation is needed or desired now and questioned where the development plan was. He said a source he relies on told him there are two other parcels adjacent to the Mapes parcel that may want to annex soon. He asked Council to just say no right now.

Ann Scharlau, 15586 Whipple Rd., said that now is not the right time to annex. She said she researched the Mapes, Wolfenberger, and Lindgren annexations in 2005. She said that after the Lindgren annexation agreement (Ordinance 2005.42) failed by a vote of 5-4 the other petitions were withdrawn. She said two weeks later the same group of ordinances came up for approval and this time all three agreements and annexations were passed. She said that Council did this with complete disregard for their own UDO and it's very clearly spelled out procedures, illegally passed ordinance 2005.42. She explained that Article 4.3.7 of the UDO, Affect of Denial, states that an application that is denied wholly or in part by City Council shall not be resubmitted for a period of one year from the date of said denial, except on the grounds of substantial new evidence or proof of changed conditions found to be valid by both Plan Commission and City Council. She said that while there were changes made to the petition there is no evidence available that this went back to Plan Commission. She said tonight, 2 ½ years after Mr. Mapes downsized the first time, he is asking City Council to approve his annexation to downsize again. He said if Council votes for this annexation, City

Council will face the choice again to blatantly disregard the UDO which clearly states in Article 4.4.2F, in order to discourage the submittal of a series of annexation plats and preliminary plats from tracts of 100 or more acres held by the owner of record as of the affective date of this ordinance (May 2005), the City Council shall only consider, unless otherwise approved by a 2/3 vote of the Corporate Authorities, a single petition for annexation and preliminary plat approval for said tract and will only consider another petition for annexation and preliminary plat approval for said tract after a period of at least 5 years. She noted that the first portion of the Mapes farm to be annexed was 114 acres. She said that Council could follow the ordinance or chose to ignore it. She said that Council members took an order to represent the residents and to uphold the laws and ordinances of the City of Sycamore to the best of their ability. She said if they chose to ignore the UDO again they are showing exactly what their word means.

John Pappas, 3 Fairway Cir, DeKalb, IL, said that the lady that spoke first insulted the whole community, City Council, the Mayor, the City Manager, and the Planning and Engineering departments by saying "whose palm gets greased." He said it was the most outrageous thing he has heard and he was insulted and felt he had to speak. He said he has been doing business in the City of Sycamore for the last 6 or 7 years and has built over 150,000 square feet of commercial space and has never asked for a dime from anybody. He said the people he works with in the City are professional and are looking out for taxpayers and the best interest of the City. He said that has been his experience with the City Manager, Mayor, City Council and the Planning and Engineering Departments. He said he thought she should apologize to everybody.

Karen Lyons said yes, it did come out and it should not have and she did not mean that. She said what she meant was....

Aldersperson Kessler called "point of order."

Mayor Mundy asked Ms. Lyons to sit down.

## **CONSENT AGENDA**

- A. Approval of the Minutes for the Regular City Council Meeting of January 21, 2008.
- B. Payment of the Bills for February 4, 2008 in the amount of \$2,153,753.33.

## **Motion**

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

Aldersperson Kessler noted that United Aviation Fuel and American Aviation Fuel are included in those numbers and that is why it is so big.

## **Voice vote**

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

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

Aldersperson Paulsen said he received more concerns regarding the intersection of Peace and Freed and the backed up traffic. He said he will continue to voice the concerns as long as he represents Ward 2.

Aldersperson Bauer said he attended the DCEDC dinner last week and witnessed first hand the professionalism Mr. Nicklas brings to that group. He said Mr. Nicklas represents the City well and is quick to defend our residents.

Aldersperson Kessler said she visits the new Fire Station every week because of her association with the Assistant Chief and said it is phenomenal and encouraged other Council member to get a hold of the City Manager and take a trip out there.

Mayor Mundy said the first sesquicentennial meeting will be held February 21 at 3:00 p.m in the Council Chambers. He encouraged anybody interested to attend. Mayor Mundy introduced Eagle Scout Mark Costello with Troop 2.

Mark Costello introduced his parents and sister and explained that Troop 2 meets at the United Methodist Church and his project was to paint the gym at the church.

Mayor Mundy thanked Public Works Director Busse for allowing him to ride along with Gary Egler and Mike Schulz while they snow plowed.

## **REPORT OF OFFICERS**

Manager – Bill Nicklas said they would begin the revised 3-year Capital Program at the February 18 meeting. He said we are about 4 to 5 weeks from substantial completion of Fire Station 2 and said he would invite Council to a private showing in about one month.

Engineer – John Brady reported that the downtown traffic signal work to increase cycling time has been completed. He said they will keep their eye on it over the next few weeks and fine tune it if necessary.

Building & Zoning – Lyle Doty said that throughout the fall and winter he and Engineer Brady have been working on a review for a new building on Midlands Court and last week he wrote a permit for that 12,000 square foot office complex.

Fire Chief – Bill Riddle said because of the inclement weather calls for January were up about 30%. He said he attended a DeKalb County Government sponsored program about conserving water at the DeKalb County Farm Bureau.

Treasurer/Asst. City Manager – Brian Gregory said the City invested \$1 million for two years at 4.14% in anticipation of the federal rate cut. He said in November the Illinois Funds daily rate was 4.084% and today it was 2.657%.

Public Works Director – Fred Busse said the changes in the wording in the ordinance regarding parking on the streets after snowfall has helped. He asked residents clear a spot for their garbage carts or leave them on the driveway when snowfalls occur on garbage days. He also reminded residents that it is illegal to blow or push snow out into the street.

Assistant Public Works Director – Ebe Smith reminded residents with fire hydrants in front of their houses to clean them off so the Fire Department can get to them.

Police Chief – Don Thomas reported that the Police Department wrote about 150 tickets after the weekend for cars that remained on the street after snowfall. He said they give them about 6 to 8 hours after the snow has fallen and usually write the tickets around 2:00 a.m.

## **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. 2007.48—An Ordinance Concerning the Recommendation of the Plan Commission with Regard to the Petition of Jack and Darla Mapes for the Approval of an Annexation Agreement, Annexation and Rezoning to “R-3” Multiple Family Residence of a 6.25-Acre Parcel Located Approximately 3,300 Feet North of the Intersection of Lindgren Road and Plank Road. Second Reading.**

City Manager Nicklas noted that tonight he heard some accusations about the City’s way of doing business which were disturbing. He said he felt it was unfortunate, but it was there, and the best thing they can do is stick to the record. He said he has not heard any specific concerns about any of the specific features of this proposed annexation. He asked Council what rules of engagement and framework he and the staff should follow when a developer comes to them. He said he believed this proposal has met or exceeded all of our rules and that is why he recommended approval. He said if the Council has another framework in mind he would appreciate knowing what that is and that will be what he explains to people.

Chuck Hanlon, Land Vision, 116 W. Main St., St. Charles, IL, said the reason for this petition right now is an issue of forward planning. He said the timing of the annexation will have little to do with the timing of the implementation of the construction of any units on the property. He said in terms of hindsight being 20/20, it would have made sense to include this in the previous larger annexation, but at that time Mr. Mapes and his wife wanted to keep that house out of the mix. He said now this is an opportunity to remove an estate home from frontage on Plank Road and eventually to remove that driveway to eliminate that curb cut off Plank Road. He said this is an opportunity to consolidate retention which is another matter of forward planning. He said the townhomes themselves offer diversity of housing. He said there is no specific detailed plans for the property because there is no end user at this time, but they feel this is the time to bring this forward from a standpoint of forward planning.

Jack Mapes, 15085 Plank Rd., said he believes in growth and has worked construction for 32 years all over the state of Illinois and what we have in Sycamore is as good as it gets and is a class operation. He said Sycamore has a good slow-growth plan and it has proven itself in what we see. He explained that two years ago he had three children living at home with one in college and now two years later his one son has bought a house in Sycamore, one of his daughters is now married and has bought a house in Sycamore, and the other daughter is finishing her second year in college and hoping to teach in Sycamore. He said he is a fifth

generation Sycamore resident a not going anywhere and he came up with an idea of how he could downsize and keep his house and stay on the farm. He said this is a good plan and asked Council to support it.

Aldersperson Neubauer said someone in the audience raised a question earlier about the legality of this and asked what happens when the UDO is violated.

Mr. Nicklas said that was not a truthful statement it was zany. He suggested that person send the question in writing and he would have the City Attorney review the circumstances and reply to that person in writing. He said when you cherry pick the law to prove a point it tends to distort the facts. He said the UDO is a body of local law adopted by the Council and certain parts of it can be subject to prosecution for misdemeanor.

Aldersperson Neubauer said for the record that he did not find it zany and suggested they stick to the facts and not insult either side.

### **Motion**

Aldersperson Kessler moved to approve Ordinance 2007.48 and Aldersperson Stowe seconded the motion.

Aldersperson Stowe said to his knowledge this parcel was not part of the first annexation at any time and because they are separate parcels therefore it does not violate the UDO because it is not the same property.

Aldersperson Neubauer went through his “reality check” handout and said he realized this annexation was going to pass because the writing was on the wall, but he figured if he “keeps putting the facts out there they will get through to enough people to make a difference.” He listed the points of his handout as follows:

- Do townhome developments produce fewer children than single-family home developments? No. He said, according to the 2007 Housing Impact Analysis sponsored by the City, while townhomes individually produce slightly fewer kids, townhomes collectively produce 121% more school kids per acre than single-family homes.
- Is increased EAV from new homes a good thing? No. He said a higher EAV in itself is a good thing, but new homes also bring greater demands for services.
- Do townhomes make better fiscal sense than single-family homes? No. He said townhomes generate 91% more tax dollars in exchange for 119% more expense.
- Does Sycamore subsidize new housing? Yes. He said the City does not impose a transportation impact fee and there is no guarantee that the City will approve Sycamore Park District’s request to increase impact fees and the School impact fees are much less than DeKalb’s, therefore each new home comes with a subsidy from existing taxpayers.
- Would a moratorium on growth in Sycamore have a chilling effect on commercial development? He said we’ll never know because we currently have 3,700 homes that have been approved but not built.
- Are advocates of slower growth just a vocal minority? He said it sure doesn’t look that way. An area mathematics teacher did a statistical analysis on the sample size of voters voting on the 2004 referendum and he determined that, with a 99% certainty, 68.5% to 73% of voter would have been in favor of this referendum, regardless of the voter turnout. Three of the eight sitting alderspersons were elected on a platform of slower growth which means that this “minority” has won the last four elections.
- Do advocates of lower growth really want no growth? No. He said the voters in the 2004 growth referendum didn’t say they never want another home built in Sycamore. He said that holding off on new annexations until 2010 with 3,700 homes already approved is call moderation.

- Does Sycamore have a pacing mechanism to constrain growth? He said we have a pacing mechanism, but it is not enforced and unfortunately the only pacing of growth that is likely to occur in Sycamore will be the result of the downturn in the housing sector.

Alderson Neubauer also included a B & B/Mapes Annexation fact sheet that he created and went through the main points as follows:

- How many townhomes will be built? He said at the January 21 meeting Pat Griffin said about 63 and tonight Chuck Hanlon said he did not know and part of the frustration is they don't know what they are voting on.
- What is the inventory of homes in the townhome category? He said according to MLS there are 82 homes currently for sale in the townhouse/condo category and Sycamore's residential permit timeline shows an additional 273 townhomes scheduled to be built between 2008 and 2010 for a total inventory of 355 townhomes.
- What is the school impact? He said it is at least \$1.2 million. Formula: elementary school carries a price tag of \$20 million and serves 500 kids = \$40,000 per child. 63 townhomes x .46 kids per townhome = 29 school kids. 29 school kids x \$40,000 = \$1.2 million.
- What about traffic impact? He said that adding 63 townhomes, versus 22 single-family homes, should add about between 2 and 3 times the amount of traffic on Plank Road
- What kind of zoning is adjacent to this parcel? He said directly to the west is low-density single-family zoning
- What will this property look like? He said we don't know there is no plan to review.
- How does this plan fit into the city's comprehensive plan? He said this parcel is across the road and not far down from the John Hall Homes subdivision at the gateway to Sycamore. He said the City's Comp Plan notes "there is hope that new and distinctive gateways will be established at these new planning boundaries to provide a unique and welcoming view to visitors and residents alike." He said that John Hall Homes subdivision is zone R-1 single-family homes.

Mayor Mundy asked Alderson Stowe as Council representative to Plan Commission if there were objectors at the Plan Commission or major points made about the type of construction or what might happen on this property.

Alderson Stowe said there were no objectors and no points made about what might be built on the property.

Mayor Mundy said that in 2005 and 2006 our own survey showed that almost 60% of the housing activity in Sycamore originated from residents of Sycamore upsizing and downsizing. He said that Woodgate would have never been built had we feared the townhome prospect, although there was some fear. He said over half of the residents in Mr. Krpan's townhome subdivisions are from Sycamore. He said whatever plan is developed for this property must come back before City Council for approval. He said that in Building Commissioner Lyle Doty's annual report he said there was about a 50/50 split between residential and commercial building permits in 2007. He said the goal is 60/40, but we are getting there. He said the City newsletter shows 67 new or expanded businesses in the City in the past two years and said we are in good shape.

Alderson Bauer said very little in life is absolute and he said he has respect for the referendum that was passed. He said it is not like the City is promoting these subdivisions or building these subdivisions. He said there is a balance between the rights of individuals and the greater good of all the people and sometimes

that balance is such to turn annexations away. He said he does not have a problem with this annexation. He said he sees this as a guy with 5 generations and a lifetime commitment.

Aldersperson Adee said they do not want to cover up everything with houses and buildings and we need to take care of what land we have. She said she and her children have a farm together and as long as they live they will not let anything go to that farm.

Aldersperson Paulsen said the property is already developed and is surrounded by property that will be developed.

Aldersperson Neubauer said he thought it would make more sense to zone this R-1 and asked if the Plan Commission discussed that.

Aldersperson Stowe explained that the Plan Commission does not set up what things should be, but looks at what the petitioner presents.

Mr. Nicklas said there was a question prior to the meeting about whether that might be better dedicated to neighborhood commercial use. He said he spoke with the two Plan Commissioners who could not attend that meeting why this would be R-3 rather than R-1 zoning. He said this is an odd shaped parcel and could possibly be developed as a teardrop cul-de-sac with detention, but half of the houses would have their back yards to Plank Road. He said that economic viability is another factor, because people may not want to build \$350,000 homes with their backs to Plank.

Chuck Hanlon said it was a difficult parcel to lay out as a single-family neighborhood. He said as a townhome development it would allow private streets and more space to create a loop road to have two access points instead of one. He said this is a simple annexation with zoning and they will come back to present all the details in the future.

Aldersperson Kessler said she was 4<sup>th</sup> generation Sycamore. She said these discussions happened when Townsend Street, Maness Addition, Foxpoite, Electric Park, and Woodgate came up. She addressed some points in Aldersperson Neubauer's reality check information and said the City is in good shape. She said she does not like to hear us compared to DeKalb because we are Sycamore and we are in good shape. She said Sycamore is offering good services and we have a pacing mechanism to manage growth. She said the housing industry is a huge industry and a huge employer in our area.

Mayor Mundy said he received several communications from residents and Chamber members. He said the communication from Luke Glowiak, Asst. Superintendent of Sycamore School District said he did not foresee any negative impact on the School District from this annexation, but rather a benefit that this would increase the district's EAV and provide increased tax revenue.

### **Roll call vote**

Mayor Mundy called for a roll call vote to approve the motion. Alderspersons Bauer, Kessler, Paulsen, Stowe, Taylor, and Mayor Mundy voted aye with Alderspersons Adee, Knuth, and Neubauer voting nay. Motion carried 6 - 3.

**B. Ordinance No. 2007.49—An Ordinance Annexing a 6.25-Acre Property Located Approximately 3,300 Feet North of the Intersection of Lindgren Road and Plank Road in the City of Sycamore, Illinois. Second Reading.**

City Manager Nicklas explained that this ordinance was required for recording the annexation.

**Motion**

Aldersperson Bauer moved to approve Ordinance 2007.49 and Aldersperson Paulsen seconded the motion.

**Roll call vote**

Mayor Mundy called for a roll call vote to approve the motion. Alderspersons Bauer, Kessler, Paulsen, Stowe, Taylor, and Mayor Mundy voted aye with Alderspersons Adee, Knuth, and Neubauer voting nay. Motion carried 6 - 3.

**C. Ordinance No. 2007.50—An Ordinance Concerning the Recommendation of the Plan Commission with Regard to a Revision to Section 6.8.4 of the Unified Development Ordinance in the City of Sycamore, Illinois. Second Reading.**

City Manager Nicklas explained that this ordinance clarified that company vehicles that are in use are exempt from the prohibited signs section and adds a new subsection that allows signs for real estate open houses, garage sales, and yard sales with an area of less than 6 square feet to be placed between 7:00 a.m and 5:00 p.m. the day of those events. Mr. Nicklas suggested extending the end time from 5:00 p.m. to 7:00 p.m.

**Motion**

Aldersperson Kessler moved to approve Ordinance 2007.50 with the change of the end time in Section 6.8.4 to 7:00 p.m. and Aldersperson Taylor seconded the motion.

Aldersperson Paulsen said he would like to allow any signs connected to promoting local events such as Pumpkin Festival and North School clothing and toy resale.

Mr. Nicklas said a public hearing was held for the specific items noted and he would make note of those for future reference.

**Roll call vote**

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

**RESOLUTIONS** - None

**CONSIDERATIONS**

**A. Consideration of a Draft Intergovernmental Agreement Between the City of Sycamore and the Sycamore Park District.**

City Manager Nicklas said he received something from the Park District late today and it is his intent to bring this back to Council on the February 18 agenda.

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

**Motion**

Aldersperson Kessler moved to go into Closed Session at 8:40 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 8 - 0.

**Motion**

Aldersperson Neubauer moved to return to Open Session at 8:55 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 8 - 0.

**OTHER NEW BUSINESS**

**APPOINTMENTS**

**ADJOURNMENT**

**Motion**

Aldersperson Stowe moved to adjourn the meeting at 8:55 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 8 - 0.

Approve:

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

Attest:

\_\_\_\_\_  
City Clerk – Candy Smith