
**SYCAMORE CITY COUNCIL – REGULAR MEETING
MINUTES OF FEBRUARY 18, 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 William Best of Bethel Assembly of God gave the invocation.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Mayor Mundy moved the Chamber report consideration to follow Presentations Communications and Bills.

Motion

Aldersperson Kessler moved to approve the agenda with the change 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 8 - 0.

AUDIENCE TO VISITORS

Ted Strack, 1370 Windfield Drive, said he would like to talk on the Consideration item regarding Park District Land/Cash Fee request.

Craig Scott said he was a local small business owner in Sycamore recently moving his business from one location to another and he was shocked at the permit price. He said he spoke with Building Commissioner Lyle Doty and City Manager Bill Nicklas who said this would be discussed on a future agenda.

Diane Hammon, 339 Parkside Dr., thanked all of the people who helped at NIU last week.

Milan Krpan, 640 Krpan Ct., DeKalb, said he was here to answer any question regarding his rezoning request on the agenda.

Mike Conro, 224 May St., said he was here to answer questions regarding his rezoning request that would allow him to build a new garage.

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 in the amount of \$400,419.32.
- C. Plan Commission Minutes for the Meeting of January 14, 2008.

Motion

Aldersperson Bauer moved to approve the Consent Agenda and Aldersperson 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.

PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.

Alderperson Taylor said he reads the letters to the editor and he finds some troublesome because the people don't have the courage to actually come in to actually meet with us. He said that Mr. Nicklas takes a lot of flack that in his opinion is unjustified. He said he wanted to stand up and tell people that he appreciates what Mr. Nicklas is doing. He said that the communications he has with him he does not know where Mr. Nicklas stands on the issues. He said it is Mr. Nicklas' job to identify the direction the Council has chosen to go and to let people know what that is.

Mayor Mundy said this has been a tough week and thanked the first responders for work at NIU last week. He said he attended a meeting at NIU today and he said part of the grieving and healing process is underway. He said the slogan "forward, together forward" will be the mantra to move the mission of NIU ahead. He also noted that the sesquicentennial meeting will be held in Council Chamber Thursday at 3:00 p.m. and anybody interested is welcome to attend.

Rose Trembl, Sycamore Chamber of Commerce Executive Director, said she also attended the meeting at NIU that Mayor Mundy mentioned earlier and she was appointed to a committee to make dinner for over 200 international students who have not sought out counseling. She asked for help with the dinner and for finding a place to serve it.

Mayor Mundy also noted the memorial service that will take place Sunday at 7:00 p.m. at the Convocation Center.

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

Rose Trembl, Executive Director, gave some 2007 economic impact figures for DeKalb County from Northern Illinois Tourism Office. She said that the economic impact of tourism in DeKalb County for 2007 was \$62.72 million which is up 3.6% from 2006. She said payroll for tourism related businesses was over \$10.5 million with over 510 employees. She said that state taxes brought in \$3.9 million and local taxes over \$1 million. She said the hotel motel tax in Sycamore was \$159,000 in FY05, \$179,000 in FY06, \$186,000 in FY07, and the City has budgeted \$208,000 for FY08 and now estimate that it will be over \$229,000. She said that over the past five years the Chamber has spent a lot of time dedicated to promoting Sycamore outside the area. She said they have formed partnerships with the City, DCEDC, NIU, DeKalb County, DeKalb Chamber, and the DeKalb area CVB. She said they help to promote the health of our business community and they promote Sycamore to encourage visitors to stay in our hotels, dine in our restaurants, shop at our stores, and play in our town. She said they have received grants from IIT Tourism and are applying for grants that will help to market Sycamore to bring tourists to town. She also listed Discover and Chamber community events they host designed to keep visitors in Sycamore as: Farmer's Market, Block Party, Summer on State, and Cruise Night and Car Show. She said they are in the process of creating all-inclusive group tour packages. She said the bottom line is the money that tourists spend that stays in Sycamore and increases our tax dollars. She said, on behalf of the Chamber's 21 Board members, nearly 500 member businesses, and 90 Discover members, they want to thank the City for their continued commitment and partnership to the Sycamore Chamber and their business community.

Alderperson Kessler thanked the Chamber for their commitment.

REPORT OF OFFICERS

Manager – Bill Nicklas said the meeting at NIU for Municipal officials, business leaders, and Chamber of Commerce was held to provide resources and share information for those seeking help and to provide visible signs of support for NIU. He said they were encouraged to stick to the theme “forward, together forward” and to place placards in windows and fly NIU flags. Mr. Nicklas also noted, regarding Craig and Jen Scott’s concern, that the City is aware of what seem to be some anomalies in our water and sewer connection fee calculations that did not anticipate some smaller commercial expansion and new starts that we are seeing now. He said there is not a clear proposal tonight, but there will be something on the March 3rd agenda for consideration and discussion.

Engineer – John Brady reported that last week contractors started the sanitary sewer work at Thanks America Commercial Subdivision.

Building & Zoning – Lyle Doty reported that since the last meeting he has issued two more commercial permits to Alphagraphics on Baron Drive and a self-service laundry on the south end of the Marathon station.

Fire Chief – Bill Riddle said there was a house fire at 143 North Cross that was a total loss with no injuries.

Treasurer/Asst. City Manager – Brian Gregory said that the budget report through January was at a 75% benchmark with the combined revenues at 77.75% and expenses trailing at 55% with some of those being deferred expenditures such as the Bethany Road project awaiting approval. He said in the fall since the energy deregulation he started working with Exelon Corporation as the energy supplier for the treatment plant and saved about \$8,000 over ComEd in one month. He said he would bring this back in March when bids go out for suppliers.

Public Works Director – Fred Busse said that December 2007 the Federal Highway Administration raised the minimum reflectivity standards on the material used for regulatory signs and also mandated a program to maintain and replace those signs. He said they have 4 years to establish a replacement program and to switch to the higher reflective material, 7 years to have all regulatory signs changed out, and 10 years to have all street name signs changed. He said the good news is that since they moved out to the new public works building and are making their own signs they have been using the high intensity reflective material.

Assistant Public Works Director – Ebe Smith said the Water Department asked him to thank Mayor Mundy for touring and shadowing their department. He also noted that the upgraded SCADA control system helped control water better during an event like the house fire the previous night.

Police Chief – Don Thomas said during the next couple of weeks his department would be reviewing events that take place at night such as the homecoming parade and the walk with Santa. Chief Thomas said that Sycamore was able to send about 10 police officers to assist at NIU and we were there within about 5 minutes and stayed most of the night. He said in the spirit of moving forward together the law enforcement community has met several times. He said there are plans in place and no plan is perfect and they are working on our local, regional, and state plans for future events.

Mayor Mundy noted an Eagle Scout Court of Honor Ceremony that was held at the Federated Church for five Eagle Scouts. He also noted that Scouts from Troup 16 were in the audience.

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. 2007.53—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.

City Manager Nicklas said this final plat 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 for commercial and light manufacturing.

Motion

Aldersperson Stowe moved to hear Ordinance 2007.53 on first and second reading 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 Stowe moved to approve Ordinance 2007.53 and Aldersperson Paulsen seconded the motion.

Roll call vote

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

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.

City Manager Nicklas said that DeKalb Clinic Chartered has had a facility at this intersection that sits on a larger parcel that surrounds a parcel that is not in the corporate limits. He said on this plat is a delineation of ingress and egress not only for the lots controlled by DeKalb Clinic Chartered, but in the future provides a pathway for that notched parcel to have access to Plank Road. He said there is also a utility easement along Plank Road.

Motion

Aldersperson Paulsen moved to hear Ordinance 2007.54 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 8 - 0.

Motion

Aldersperson Paulsen moved to approve Ordinance 2007.54 and Aldersperson Neubauer seconded the motion.

Roll call vote

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

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.

City Manager Nicklas said the private utilities no longer need the easement to accomplish their requirements and the City has no use for it. He said the owners, 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 the home in a “green” fashion.

Motion

Aldersperson Paulsen moved to hear Ordinance 2007.55 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 8 - 0.

Motion

Aldersperson Paulsen moved to approve Ordinance 2007.55 and Aldersperson Taylor seconded the motion.

Aldersperson Kessler asked if we have had any geothermal use and do we have the right zoning.

Building Commissioner Doty said we have not seen this in the City, but through their investigation they are finding there is no problem with it.

Mr. Nicklas said the zoning is fine and they had the means to acquire enough property to do the boring and avoid running afoul of state or local codes.

Aldersperson Knuth asked about ownership of Lot 92.

Mr. Nicklas said the owner to the east of Kneppers agreed to buy half of Lot 92.

Aldersperson Knuth asked how deep they would need to go.

Building Commissioner Doty said he was not sure but his understanding is they go down to the shallower water.

Aldersperson Paulsen asked if with the split of the lot there would be two larger lots or could somebody build a house on that middle lot.

Mr. Nicklas said the two lots would become larger lots.

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.

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.

City Manager Nicklas said Mr. Conro plans to raze the existing garage and build a larger garage in his back yard. He said the dilemma here is that residential garages are not allowed in M-1 zoning districts. He noted that Mr. Conro would like to build a larger garage than permitted in the City’s UDO, but that will have to be taken up with the Zoning Board of Appeals.

Motion

Aldersperson Taylor moved to hear Ordinance 2007.56 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 8 - 0.

Motion

Aldersperson Stowe moved to approve Ordinance 2007.56 and Aldersperson Paulsen seconded the motion.

Mr. Nicklas said that a practical reason to rezone this property is that if the garage burnt down, they would not be able to rebuild it under the current zoning.

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.

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.

City Manager Nicklas said this request was similar to the previous item.

Motion

Aldersperson Paulsen moved to hear Ordinance 2007.57 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 8 - 0.

Motion

Aldersperson Paulsen moved to approve Ordinance 2007.57 and Aldersperson Taylor seconded the motion.

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.

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.

City Manager Nicklas said this 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 contributions. He said that Park District Attorney Derke Price of Ancel Glink Diamond and Bush had likewise encouraged some sort of intergovernmental agreement to establish the indemnity that was of interest to the City. He said this draft has been reviewed by our City Attorney Keith Foster, Park District Director David Peek, and Park District Attorney Derke Price.

Motion

Aldersperson Stowe moved to hear Ordinance 2007.58 on first and second reading and Aldersperson Paulsen seconded the motion.

Voice vote

Mayor Mundy called for a voice vote to approve the motion. All Alderspersons voted aye with Aldersperson Kessler voting nay. Motion carried 7 - 1.

Motion

Aldersperson Paulsen moved to approve Ordinance 2007.58 and Aldersperson Stowe seconded the motion.

Aldersperson Kessler said this agreement shows that the Park would pay for any litigation expenses including attorney fees and that they would be paid monthly. She said she would like to add the phrase "paid in full" and also wanted our expenses to include staff hours. She said she did not want the City to be out any expenses at all. She said there may be some marketing material required to educate our residents where our liability falls and she did not want the City to have to pay for that. She said she wanted our expenses to be zero and have the City recoup any expenses we might incur.

Aldersperson Stowe said it was a good idea, but it would be tough to figure out all the expenses. He said he would like to have this same agreement with the School District and the Library.

Aldersperson Bauer said he agreed with Aldersperson Kessler and suggested this might need to be held over to have the other parties agree to the changes.

Motion

Aldersperson Bauer moved to hold over the approval of Ordinance 2007.58 until the next meeting and Aldersperson Stowe seconded the motion.

Aldersperson Neubauer asked City Attorney Foster for his thoughts about this.

City Attorney Foster said they helped draft this and can certainly incorporate these thoughts and they have a good working relationship with the Park District's counsel. He said they will do their best to make sense out of exactly what they are trying to accomplish here and make sure they are okay with it.

Mr. Nicklas said in other matters different levels of government have acknowledged administrative fees such as with FEMA. He said we can certainly define our administrative time, but the question is whether the Park Board would want to clarify administrative time.

Aldersperson Bauer reiterated the "paid in full" clause to be added.

Aldersperson Stowe said he thought month-to-month meant as they were submitted, not to pay in monthly payments.

Roll call vote

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

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.

City Manager Nicklas said this ordinance is needed to comply with the permit process.

Motion

Alderson Kessler moved to hear Ordinance 2007.59 on first and second reading and Alderson Taylor seconded the motion.

Voice vote

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

Motion

Alderson Kessler moved to approve Ordinance 2007.59 and Alderson Paulsen seconded the motion.

Roll call vote

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

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.

City Manager Nicklas said the negotiations were cordial and cooperative and both sides of the table realized that we are in different economic times and worked toward a one-year contract with a 4% increase in wage schedule steps. He said they also added Martin Luther King Jr.'s Birthday as a paid holiday. He said AFSCME Local 3957 has ratified the agreement subject to Council support.

Motion

Alderson Kessler moved to hear Ordinance 2007.60 on first and second reading and Alderson Adee seconded the motion.

Voice vote

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

Motion

Alderson Kessler moved to approve Ordinance 2007.60 and Alderson Paulsen seconded the motion.

Alderson Taylor asked if we had employees covered that were not in the union.

Mr. Nicklas said no, at this time they are all union members.

Alderson Taylor said he was surprised at some of the money that gets paid out and said he had never gotten his birthday off.

Mr. Nicklas said the selection of the birthday as a paid holiday precedes his arrival here by many years.

Roll call vote

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

RESOLUTIONS - None

CONSIDERATIONS

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

City Manager Nicklas deferred to Park Board Commissioner Ted Strack for comment.

Ted Strack, 1370 Windfield Dr., clarified that as he made his comments if he referred to I, me, we, our, or they he would be referring to the Park Board. He said on three separate occasions the Park Board has reconfirmed their position on the recommendation that they have made to the City Council. He said the recommendation of the Park Board is simply to adhere to the findings of the housing impact fee study commissioned by the City of Sycamore. He said the agenda refers to "consensus" reached on the Ad Hoc Committee and under Webster's Dictionary consensus means unanimous agreement and there was not a unanimous agreement because the Park Board did not agree with the recommendation of the Ad Hoc Committee. He said the City Manager's recommendation that the value of land be cut in half holds no water in his eyes. He said when the developer prices improved lots, he assured Council that the developer is pricing those improved lots to cover 100% of land costs, 100% of development costs, plus a profit margin. He said the City of Sycamore should not condone paying the developer a second time for that land mass. He said the issue that raising the cost of land would mean that the Park District would also pay that price for land and that was just fine because it would work out as a wash. He said the Park District's attorney said he could defend their proposed formula all day. He said the Sycamore Park District did some independent analysis on the housing impact study to determine if the study's findings were appropriate and they found they were. He said he struggles with where is the comparable information from the School District and questioned why the City administration is focused on questioning the Park District's formula and they absolutely do not question the School District's formula. He said he found that very troubling.

Aldersperson Kessler asked if he meant himself or the Park District.

Mr. Strack said he meant himself. He also said, talking for himself, that he hoped the City Council does not ignore the findings of the housing impact study because the reality is that study is the smoking gun for whomever should decide to sue whether the impact fees are too low or too high.

Mayor Mundy asked Mr. Strack if there was a capital plan for the Park District.

Mr. Strack said that basically the plan is that as they get land in a development the neighborhood park space would be taken as land and the community park space would be taken as cash. He said that cash would be used to improve the neighborhood park, buy land for a soccer field, or used to improve the swimming pool.

Mayor Mundy asked if the capital budget was developed.

Mr. Strack said it was not.

Alderson Neubauer asked Mr. Strack if we cut the impact fee proposal in half as has been suggested and you need to buy land a couple of years down the road, would you be able to do that or would you need to raise taxes.

Mr. Strack said to maintain the same relative number of park acres to serve the residents on the same relative basis they would need to purchase additional land and cover that in some other fashion, either out of excess proceeds or the other alternative is to increase taxes.

Alderson Kessler said she does not see where the background recommends going for the alternative the City Manager put together.

City Manager Nicklas said that by consensus there was no question in his mind that he did not mean unanimous. He said consensus generally means people in the room come to the same conclusion even if there may be some other points of view. He apologized to Mr. Strack if he confused him on that point, but he would have used "unanimous" if that was what he meant. He said in the terms of findings, the research done by Mr. Strack for the Park Board was of great value because the report Dr. Emanuelson put together did not as studiously and thoroughly ascertain the ratio of acres per thousand residents or incorporate that into the calculation he came up with that he thought would be impacts for the Park District to consider. He said if they were to entirely adopt his procedures, Dr. Emanuelson used the per acre price of \$50,000. He said the third leg of the stool has to do with how to value a developed acre and the Naperville model or framework which has been court-tested tends to discount the value of the developed acre. He said it is discounted because often times what parks get for neighborhood parks is generally low land, but happily in our community that is not the case, but in Sycamore there is expectation that as much as ½ of the development area in a new subdivision is set aside for open space. He said that is land that cannot be developed for the footprint of houses and that acreage taken out of production is about half which is a better basis than dedicating wetland and low land for parks. He said that Mr. Strack said Mr. Price could defend all day the proposition brought to us from the Park District, but Mr. Nicklas said he would rather hear that he could win. He said the City is just coming off a suit where Mr. Price was defending all day and City Attorney Foster was defending all day and we came up with about \$12,200 just to get off the suit for something much more frivolous than what is being proposed here which is a departure from the fee system already in place. He suggested the City stick to what we know we can defend. He added that city managers don't trump committees composed of representatives of four taxing bodies, chambers of commerce, Sycamore Economic Development Commission, but if you are looking to depart from that consensus, then he suggested that judgment be rooted in something that can be defended and won.

Alderson Neubauer said he understood that there were several business groups represented on the Ad Hoc Committee and noted that we need to take into account the needs and desires of our citizens. He applauded the Park District for their work challenging the validity of the housing impact study by figuring the historic acres per resident, hiring certified appraisers to find exactly the land value of Sycamore, basing their impact fee on the facts. He said he thought it was the fair thing to have the land/cash ordinance in Sycamore actually based on the value of land in Sycamore. He said he does not want to be remembered as the Council that reduced park space or raised taxes for parks. He said the idea that the increase to \$190,000 will affect the school board he understands that, he would find that argument compelling if we were going to reduce those funds, but we are not we are getting more money for the kids. He said our land/cash ordinance should be based on the facts and that is what our Park Board has provided.

Mr. Nicklas said he does not know where the argument started that our Park District has to go out and buy neighborhood park land because neighborhood park land is required both by our open space requirements in our UDO and as a matter of course in his 10-years at the City by negotiation between the developer and the park director. He said those neighborhood parks far exceed what the Park Board is able to service by hundreds of acres. He said one of the concerns that came out of a citizens advisory group to the Park Board a couple of years ago was the fact that there were many park acres out there that the park cannot service. He said the amount of acres does not appear to be the problem.

Aldersperson Taylor said one of the things he hears from a lot of friends is that taxes keep going up and what are they getting for the money. He said they want a new pool and he tries to explain how the different taxing bodies work. He said the point is that they equate the taxes they are paying with the Park District. He said he has no problem moving toward higher acreage per 1000, but he would like to see the price per acre as a common price across board for all the taxing bodies' impact fee formulas.

Mayor Mundy noted a letter from Ken Andersen he received late in the day regarding past actions for the legal actions for use of Park District impact fees and that they still ended up in court with their expert legal advice. Mayor Mundy also noted that the Ad Hoc Committee voted 7 – 1 to hold the impact fees for the School, Park, and Library for one year and review them in one year's time. He said the people at the meeting were representatives from the Park Board, School Board, Library, City, Plan Commission, Sycamore Economic Development Commission, Realtors Association, and the DeKalb County Builders and Developers Association. He said that the business community is at the table because we want them involved and the recommendations from the Ad Hoc Committee are not binding. He said the alternative option presented is a viable option it does not mean it is the best option, but it adds to the fees to the Park District about 2/3 of what the Park Board is requesting and could keep the City out of court. He said the City has not been in court over our land formula since the inception of impact fees in 1996. He said this has created a lot of negative exposure for the community and we need to convey a fair and balanced approach to the prospective business inquiries. He said his rhetorical question to Council was whether tripling or quadrupling the Park impact fee conveys that image of pro-business or business attraction.

Aldersperson Adee said she would like to know who is on the Ad Hoc Committee.

Mayor Mundy said he just named 8 of the member and the other two are the Chamber of Commerce and DCEDC.

Aldersperson Stowe said committees are great, but decisions are made here in the Council Chambers. He said he understands the point about land value, but it is not the Park District's fault that it does not agree with the School Districts. He said impact fees should cover the impact.

Aldersperson Bauer referred to Aldersperson Stowe's famous words "is it enough" and said this proposal is pretty clear about what they are asking. He said he thought it was unbelievable that the School District is not asking to increase their impact fees because he felt it in his gut that there is a referendum coming again soon. He said he was having trouble not simply passing on what the Park District has asked for especially when they have done their homework.

Aldersperson Kessler asked if the real estate taxes paid are considered in the impact.

Mr. Strack said it is his understanding that the tax dollars are used for operating activities like mowing the grass, lining the fields, taking care of the golf course and things of that nature.

Aldersperson Knuth said if they can defend what they are asking for then we are obligated to give it. He said he thought part of the Park District's problem is that they are land rich and cash poor and this will be a step to correct that.

Mr. Nicklas said the question here is what is defensible for the challenge that is likely to come because of the departure from the framework of the court-tested formula we have been able to defend and the two standards for the evaluation of land. He urged them to find a middle ground and said he had suggested one that would in affect double the fees. He advised Council that it would be unwise to approve the Park District's request.

Aldersperson Paulsen said over the last several years the City and the Park District have made large strides to work together and he would like to see that continue. He said they have already sent one issue of the indemnity agreement back to the Park District and suggested sending this alternative back for review.

Aldersperson Neubauer said the Park Board has worked hard on this and he said he thought we should approve what they are asking for. He said, regarding Mr. Nicklas' point about defensibility, it works both ways. He said it would take any one of those 15 to 20 outraged residents to say the City ignored their study and caused our taxes to be raised and said we are also at risk. He said if we ignore the facts one way or the other we could get sued.

Aldersperson Kessler said the land cash value difference is a concern and suggested they consider a calculation that uses a common land cash value.

Aldersperson Stowe said he did not know if \$190 or \$122 was the right number, but said whatever number we agree on should be plugged into the formula. He said if the School District disagrees then they can lower other multipliers.

Mr. Nicklas said we cannot do that. He said the City has paid for Dr. Emanuelson's study and we cannot just fiddle with the other numbers and be able to defend that.

Aldersperson Neubauer asked where that \$190,000 number came from.

Mr. Strack said they engaged the services of two certified appraisers, Jeff Jacobson and Reed Carnahan, and went with the lower of the two because they felt it was more reasonable.

Mr. Nicklas said it was a fair evaluation, he said the question was whether it gets discounted.

Aldersperson Stowe said he had no problem turning this back over to the Park Board for review.

Motion

Aldersperson Neubauer moved to accept the Park Board recommendation and Aldersperson Knuth seconded the motion.

Aldersperson Taylor said he would like to let the Park District take back the alternative for review and suggested sending it to the School District as well.

Mayor Mundy said that Council has never not taken up a recommendation by the School, Park, or Library and knowing there is an open-door approach, the School District said they felt at this time they were not

prepared to increase their fees. He said given all the discussion tonight, he thought the Park Board might want to review this again.

Motion

Aldersperson Stowe moved to table this consideration until the first meeting in March and Aldersperson Kessler seconded the motion.

Aldersperson Neubauer said the Park Board has already voted three times on this matter and this is getting embarrassing.

Aldersperson Paulsen said they changed the agreement to make the Park Board responsible for our staff time.

Aldersperson Neubauer said he agrees that should go back, but if we agree on the Park Board recommendation it would be contingent on reaching an intergovernmental agreement with the Park Board. He said he thought this was a waste of time and unfair to the Park Board.

Aldersperson Bauer said that he heard that \$190,000 was a fair number and thought that should be used in all impact fee formulas. He said he was glad this was tabled to make sure that all the discussion is fleshed out.

Aldersperson Kessler said she thought the agreement had to be in place first. She said she would like to consider taking the land value separate.

Aldersperson Paulsen said the only discrepancy seems to be on the value of the land.

Roll call vote

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

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

City Manager Nicklas said the text of the background contains the highlights for the upcoming fiscal year as follows:

- 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.

He listed a number of smaller allocations that have been discussed at one time or another:

- Golf course ditch dredging
- Signals at Peace and Frantum Road for new fire station
- New siren on north side
- Blue line bus funding
- Transportation impact study required by State Statute when considering transportation impact fee

He noted that the addition to the Public Safety Building does not have a funding source right now, but our objective is to try to take it out of our General Fund reserve. He said the Bethany Road widening and reconstruction from Peace to Somonauk is also unfunded. He said both of these projects may involve some type of bonding and we will have to come up in our general revenues with enough debt service on an annual basis to do that.

Aldersperson Taylor said the engineering for the Treatment Plant is a significant amount and yet the design is not an engineering marvel.

Mr. Nicklas said it is a lot of money and a good part of that is preparation of the plans and reports that have to go to the EPA along redrawing and attending meetings. He said unfortunately it is not a matter of presenting us with plans and building the concrete vessel and plugging in that equipment. He said if we did not have to go with EPA certified firms we could get away with a lot less money.

Mayor Mundy said there are over \$22 million in three years of Capital improvements all from bonded indebtedness and other sources of revenue that do not impact our property tax.

Aldersperson Neubauer said we are spending about \$12 million on the sewer and \$250,000 on sidewalks, but there was a letter to the editor tonight that there is no sidewalk on Maplewood and the kids are having to walk in the road.

Aldersperson Kessler said that portion of Maplewood is not in the City. She said a few years ago the Council walked their wards and rated sidewalks in need of repair. She said we are making progress and she agrees that she would like to spend more spent on sidewalks.

Mr. Nicklas explained the City did put in sidewalks at the intersection of Maplewood and N. Main. He said the City did borrow money four years ago to jump start the sidewalk program. He said maybe they could use some of the street maintenance project money to include sidewalks.

Mayor Mundy said it looked like this proposal had backing.

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

Motion

Aldersperson Stowe moved to go into Closed Session at 9:45 p.m. 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 8 - 0.

Motion

Aldersperson Knuth moved to return to Open Session at 9:55 p.m. 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 8 - 0.

OTHER NEW BUSINESS

APPOINTMENTS

ADJOURNMENT

Motion

Aldersperson Stowe moved to adjourn the meeting at 9:55 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