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**SYCAMORE CITY COUNCIL – REGULAR MEETING  
MINUTES OF AUGUST 18, 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, Terry Kessler, Darren Knuth, Rich Neubauer, Pete Paulsen, Chuck Stowe and Gregory Taylor. Alderperson Alan Bauer was absent.

**INVOCATION**

Deacon Ridulph of the Senior Christian Ministry gave the invocation.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

**Motion**

Alderperson Paulsen moved to approve the agenda with the postponement of action on Ordinances 2008.22 and 2008.23 regarding annexations until there is full Council attendance and Alderperson Taylor 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**

Ken Andersen, 407 Hadley Ct., DeKalb County Building and Development Association President, said he wanted to address the Park District's revised impact fee schedule on the agenda.

**CONSENT AGENDA**

- A. Approval of the Minutes for the Regular City Council Meeting of August 4, 2008.
- B. Payment of the Bills for August 18, 2008 in the amount of \$1,591,875.79.
- C. Plan Commission Minutes for the Regular Meeting of July 14, 2008.

**Motion**

Alderperson Stowe moved to approve the Consent Agenda and Alderperson Kessler 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 Paulsen said the last Council meeting was held in the basement because of a big storm and he thanked Police, Fire, and Public Works for their efforts taking care of things after that storm.

Alderperson Kessler said she spoke with Bill Nicklas a couple of weeks ago about possibly coming up with a green idea to help our citizens with their electric. She said he has been in contact with ComEd and she hoped to be able to report something in the near future about a program.

Mayor Mundy said school will be starting soon and asked residents to drive cautiously. He asked residents to shop locally.

A. Swearing-In of New Fire Lieutenant Kurt Mathey.

## **REPORT OF OFFICERS**

Manager – Bill Nicklas noted a communication at Council seats from residents of Brickville Road and said he would include it in the packet at the next regular meeting.

Engineer – John Brady, Sycamore Municipal Engineering, said there will be a 4-way stop at State and Main Street intersection for the next 2 weeks while new watermain is installed.

Building & Zoning – Lyle Doty said he issued a permit on a dental clinic located next to Dunkin Donuts.

Fire Chief – Bill Riddle warned those with generators to use them outside. He reported that the 6<sup>th</sup> year of their KEC Fire Science program would begin Wednesday.

Treasurer/Asst. City Manager – Brian Gregory said July Treasurer's report is at 25% benchmark with combined revenues at 26.33% and expenditures at 14.11%. He said the combined State Shared Revenue does not reflect the ½% Home Rule tax increase. He said the City is looking at a direct debit option for utility billing that will hopefully launch the first of the year.

Police Chief – Don Thomas informed that school starts next Monday and said there would be 10 crossing guards and extra patrol officers on duty the first few days. He also advised residents to take some form of communication to the basement with them when they hear the tornado sirens so they know when the danger has passed or if it is getting worse. He thanked Public Works for their work during and after the storm two weeks earlier.

Public Works Director – Fred Busse – no report

Assistant Public Works Director – Ebe Smith asked residents to bundle remaining small storm debris for Waste Management and to call Public Works if there are any large trees yet to be taken down. He said in an 8-day period they have hauled over 100 truck loads of brush.

## **REPORT OF STANDING COMMITTEES**

Finance – no report

Public Safety – no report

Public Works – no report

Aldersperson Stowe noted that the Cable station had no audio during the storm and not even the ability to watch the Weather Channel. He said he thought they should give people options.

Mr. Nicklas said as part of the franchise agreement the City gets scrolling information, but no audio. He said there are systems we could buy.

Aldersperson Stowe said that all the channels went to that screen.

Mr. Nicklas said they could talk about that during the budget discussion the next year. He noted that another option for residents would be to purchase a weather radio.

**PUBLIC HEARING** - None

## **ORDINANCES**

- A. Ordinance No. 2008.22—An Ordinance Concerning the Recommendation of the Plan Commission with Regard to the Petition of Brickville and Peace Road Development, LLC for the Approval of an Annexation Agreement and Concept Plan for Property Located at the Northeast Corner of Peace Road and Brickville Road and the Subsequent Annexation of Said Property and the Rezoning to “R-1” One Family Residence District, Planned Unit Development, and to “R-3” Multiple Family Residence District, Planned Unit Development with a Special Use Permit for an Assisted Living Facility in the City of Sycamore, Illinois. Second Reading.**

Mayor Mundy asked if all the alderpersons would be in attendance at the September 2 meeting and all those present indicated they would be.

- B. Ordinance No. 2008.23—An Ordinance Annexing a 94.95-Acre Parcel Located at the Northeast Corner of the Intersection of Brickville Road and Peace Road in the City of Sycamore, Illinois. Second Reading.**

- C. Ordinance No. 2008.26—An Ordinance Concerning the Recommendation of the Sycamore Plan Commission with Regard to the Petition of St. Mary’s Church for an Amendment to Their Special Use Permit for Church and School Facilities at 222 Waterman Street in the City of Sycamore. First and Second Reading.**

City Manager Nicklas explained that the petitioner is requesting additional classroom and administrative space. He said the amendment to the existing special use permit for school functions is required because the footprint of the development area will change. He noted that the south side setback is closer proximity to the lot line than would normally be allowed but there is no encroachment on the actual property line. He said that staff supports the Plan Commission recommendation to approve the amendment.

Aldersperson Taylor said his concern was the impact on the existing neighborhood with the potential growth of the school and church.

Mr. Nicklas said a lot of parking has been planned to offset the on-street parking. He said the additional space requested does not involve more parking and they do not anticipate any significant increase in traffic.

Joyce Klein, representing St. Mary’s, said their main purpose is to accommodate current enrollment. She said they are not expanding, but are taking classrooms that are currently housed in a building owned by Ventas that is no longer available for their use.

Aldersperson Taylor asked about the long term picture if they anticipated adding high school classes.

Joyce Klein said there is not discussion about high school. She said the proposed second floor anticipates moving classes from the old part of the school and demolishing the older section.

**Motion**

Aldersperson Paulsen moved to hear Ordinance 2008.26 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 Alderspersons voted aye. Motion carried 7 - 0.

**Motion**

Aldersperson Paulsen moved to approve Ordinance 2008.26 and Aldersperson Knuth seconded the motion.

**Roll call vote**

Mayor Mundy called for a roll call vote to approve the motion. Alderspersons Adee, Kessler, Knuth, Paulsen, Stowe, and Taylor voted aye with Aldersperson Neubauer abstaining. Motion carried 6 – 0 - 1.

**RESOLUTIONS - None**

**CONSIDERATIONS**

**A. Consideration of a Recommendation from the Architectural Review Committee Concerning a Facade Grant Request from Sweet Earth, Inc. for the Property at 341 West State Street.**

City Manager Nicklas explained that the requested grant was for the replacement of the awning with the addition of graphics on the valance.

**Motion**

Aldersperson Stowe moved to approve the grant to Sweet Earth, Inc. at 341 W. State Street for \$1,560 and Aldersperson Paulsen seconded the motion.

**Roll call vote**

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

**B. Consideration of a Sycamore Park Board Request to Consider a Revised Schedule for the Park District’s Land/Cash Fees.**

City Manager Nicklas said that at the last Council meeting Council took action on an indemnity agreement with the Park District. He said in anticipation of the Park Board’s action to approve that intergovernmental agreement relating to indemnity in the event of a lawsuit, he has forwarded the Park Board’s request for revisions to the schedule of land/cash fees. He said the proposed fee schedule is consistent with some of the key conclusions of the fiscal impact study that was done over a year ago.

Ken Andersen, 407 Hadley Ct., on behalf of DeKalb County Building and Development Association, said that given the overall economy and to follow the leadership of the Ad Hoc Committee this request should be tabled until the economy improves. He said the rooftops have brought all the commercial and industrial growth that Sycamore is seeing.

Aldersperson Stowe asked Park District Executive Director David Peek if it was enough.

David Peek said he was not an expert on the numbers with respect to impact fees, but he said the Park Board had a very spirited debate on the subject. He said the Park District needs to address the needs of the community and they are asking for Council consideration.

Aldersperson Neubauer said he sees this as just enough to maintain the ratio of 25 acres per 1000 residents, but it does not address any of the Capital needs.

David Peek said the Capital funding ability has decreased about 100% and the operational funds have decreased about 23%. He said the Park District wants to be sensitive to the needs of the community, including the building industry, and if the demographics change in the future then they will review this again.

Aldersperson Neubauer said all this provides for is the same amount of land, but we also have all kinds of new parks that will come in and need to be developed. He asked if they would come up with a Capital Plan that would show how much it would cost to develop the new parks. He said he believes they have a revenue sharing agreement with the DeKalb builders to keep 50% in the new annexation.

David Peek said that would be something they could look at. He said that the entire fee has been plowed into land, but he understands there is flexibility in there in terms of buying the dirt and negotiating out some dollars for development from the builders. He said he thought that Council might want to take a look at that and he wanted to be careful that whatever Council decides to do is consistent with existing case law. He said they do not want to put the City or Park District in a position where they would be subject to undo litigation.

Aldersperson Neubauer said that was why he was suggesting they have a Capital Plan that would determine how much would be needed to develop the new parks.

Mr. Nicklas said his understanding of the land/cash ordinance is that it for the acquisition of land and it is up to the Park District to find the resources to develop it. He said they appreciate the City's position to avoid litigation.

Aldersperson Neubauer said he worries about the taxpayer and he would rather see the Park District collect this money from new developments coming in rather than going back to taxpayers and raising taxes.

David Peek said he would be happy to discuss this further with the City administration.

Mr. Nicklas said he was looking for direction whether to bring this back as an ordinance.

### **Motion**

Aldersperson Paulsen moved to bring this back as an ordinance on the condition that the Park District approves the intergovernmental agreement to indemnify the City in case of lawsuit and Aldersperson Neubauer seconded the motion.

### **Roll call vote**

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

## **C. Consideration of an Administration Recommendation Regarding the Award of a Contract for the 2008 Street Maintenance Program.**

City Manager Nicklas explained that the two bids received and opened July 25 were discarded because neither of the bidders had provided all the required information. He said the project was re-bid and we received one bid this morning from Curran Contracting in the amount of \$553,265.48. He said this amount does not include the work on Somonauk Street which is being done under the MFT program. He said they were hoping to have a total of \$500,000 to spend on street maintenance this year. He said he thought we could manage it with \$100,000 from Fund 6 the Capital Assistance, \$200,000 from Fund 24 the 2002 Bond Fund, \$40,000 from Fund 30 the new street maintenance fund, another \$110,000 from Fund 24, and looking through October we should see another \$57,000 plus another \$55,000 in sales tax proceeds all totals \$562,000. He recommended the City proceed with this project.

Aldersperson Taylor asked how firm the bid was.

Mr. Nicklas said they run into contingencies and there is a possibility of cutting off some of the project until the next year.

Aldersperson Taylor asked if we were subject to the fluctuation in asphalt prices.

Mr. Nicklas said the price was set.

**Motion**

Aldersperson Taylor moved to award the contract to Curran Contracting for \$553,265.48 and Aldersperson Adee seconded the motion.

**Roll call vote**

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

**D. Consideration of an Administration Recommendation Regarding the Award of a Contract for the Erection of an Elevated Water Storage Tank on the Engh Farm.**

City Manager Nicklas explained that after the bids were opened and reviewed for conformity, it was discovered that the City's recent adoption of a responsible bidder ordinance was not noted in the bid documents. He recommended rejecting all bids and re-bidding the project with the proper references to the City's responsible bidding ordinance. He said he needed Council approval to throw out the bids.

**Motion**

Aldersperson Paulsen moved to re-bid the project and Aldersperson Neubauer seconded the motion.

Aldersperson Stowe said his concern was that the responsible bidder ordinance would raise prices on projects.

Mr. Nicklas said if it does we will know after this short bid timeframe and we will debate that.

Aldersperson Neubauer asked if we could throw out the bids if they are too high.

Mr. Nicklas said the bid documents state that we can discard bids with no explanation.

**Roll call vote**

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

**OTHER NEW BUSINESS**

**APPOINTMENTS**

**ADJOURNMENT**

**Motion**

Aldersperson Stowe moved to adjourn the meeting at 8:05 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:

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Mayor - Ken Mundy

Attest:

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City Clerk – Candy Smith