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**SYCAMORE CITY COUNCIL – REGULAR MEETING  
MINUTES OF SEPTEMBER 2, 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, Terry Kessler, Darren Knuth, Rich Neubauer, Pete Paulsen, Chuck Stowe and Gregory Taylor.

**INVOCATION**

Pastor Bill Landis of Sycamore United Methodist Church gave the invocation.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

**Motion**

Alderperson Neubauer moved to approve the agenda 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 8 - 0.

**AUDIENCE TO VISITORS**

Chuck Criswell, 30331 Rte. 23, spoke on behalf of the Car Show Committee and introduced Less Gibbens and Ray Felts who were in the audience and acknowledged those not able to make the meeting as Guy Stone, Tom Taylor, Roger Ullmark, Mark Collins, Duane Blagen, Terry Wheeler, and Secretary Sue Gibbens. He said this was the ninth year of the show and noted that over those 9 years the dollars raised and turned back to the community as: \$42,774 to the Police Department; \$13,750 to the Fizz Ehrler Scholarship Fund; \$6,450 to Sycamore Food Pantry; \$500 to Sycamore Historical Society; \$500 to Special Olympics; \$250 to Hope Haven; \$500 to St. John's Church; \$250 to the Sycamore Library. He said the total donations to this point are \$65,975. He handed out this year's donations to Gary Evans for Sycamore Sports Booster, June Ehrler for the Fizz Ehrler Scholarship, Vicky Stevens for the Sycamore Food Pantry, and Lt. Cary Singer for the Sycamore Police Department.

Peter Smith, 1958 Aberdeen Ct., attorney, said he was here with John Pappas and Wendler Engineering to answer questions and ask Council to consider approval for the annexation agreement on the agenda.

Joel Barczak, 403 Edward St., owner of Blumen Gardens, said he hoped the discussion regarding the Park District request for increased impact fees would be conducted with the spirit of Sycamore in mind and not become argumentative.

Rose Treml, 1452 Larson, said she was representing the Sycamore Chamber of Commerce as Executive Director and addressed the proposed revision of the land/cash fees for the Park District. She said they are for exceptionally developed parks and well-maintained park systems and realize that they attract homeowners that in turn attract businesses. She said with that said, the Chamber Board of Directors voted to oppose the revised Sycamore Park District land/cash fee schedule. She said the Board felt the increase from 11.5 acres to 25 acres per thousand residents was unwarranted and arbitrary and were concerned that the newly acquired land would put additional strain on the ability of the Park District to maintain the existing park and any future park land. Executive Director Treml said the Chamber Board was simply asking Council,

that prior to approving the changes, have in their position a financial plan that includes a facilities, capital, and operational plans that list in detail the Park District's plans regarding the increased money and their allowable uses. She said they oppose the increase until a plan is in place and the state of the economy improves.

Mike Coghlan, 1958 Aberdeen Ct., said on behalf of the DeKalb County Building and Development Association for which he is their attorney, they also oppose the revision of the Park District land/cash fees. He said there is an Illinois Attorney General's opinion that prevents government bodies from stockpiling impact fees without a plan. He said he just represented 146 Sycamore residents of Townsend Woods in a lawsuit to get the Park District to purchase land for a park in that subdivision which was resolved. He respectfully asked that Council put the brakes on before approving the increase.

Loras Schuster, 973B Constance Ln., said he hoped the City would put in a gray water system and suggested catching water off roofs to use to water lawns. He also said a right turn lane was needed off Peace Road for the subdivision proposed on the agenda.

Mike Liszka, 470 Lincolnshire Dr., said about a year ago there was a study on the impact of growth on the parks that said the parks were in deplorable condition because of lack of funding. He said two studies have been done indicating impact fees are too low. He said the City used the first study to implement a transfer tax to help the school district. He said the Park District should be allowed to raise impact fees to help the citizens. He said he does not have a paid spokesman here as the other groups do who benefit from growth and he simply does not want to pay for somebody else's parks. He said the increase in impact fees are legitimate and justified.

## **CONSENT AGENDA**

- A. Approval of the Minutes for the Regular City Council Meeting of August 18, 2008.
- B. Payment of the Bills for September 2, 2008 in the amount of \$3,670,552.31.

### **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 Alderspersons voted aye. Motion carried 8 - 0.

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

- A. Presentation of a plaque to Fire Lieutenant Duane Prather on the occasion of his retirement after 32 years of service to the City of Sycamore.
- B. Presentation of a Certificate of Appreciation to Milan Krpan for his service to the Sycamore community.

City Manager Nicklas thanked Milan Krpan, ComEd employee and Sycamore resident, for his extraordinary efforts during the storm on August 4, 2008.

Mayor Mundy said with the untimely and sad passing of DeKalb Mayor Van Buer he has become the chair for the DeKalb Sycamore Area Transportation Group Policy Committee. He also asked residents to drive safely because school is open. He also asked residents to shop locally and noted that ½ of the City's budget comes from sales tax.

## REPORT OF OFFICERS

Manager – Bill Nicklas noted that Tate & Lyle will begin a \$10 million expansion to their Sycamore plant in Sycamore Prairie Business Park.

Engineer – John Brady, Sycamore Municipal Engineering, reported that bids for the Tree Program will be on the agenda for approval at the September 15 Council meeting and packets will be available for residents to order trees a few days after that.

Building & Zoning – Lyle Doty said they issued a buildout permit for Subway Sandwich Shop at 265 W. Peace Rd., and in the other end of that building Eggsclusive Café is now open. He said that Worthington Enterprises came in with another set of building plans for a two-unit building on Hauser Ross Drive.

Fire Chief – Bill Riddle announced that the 9/11 Ceremony would be held at 6:30 p.m. at Johnson’s Junction.

Treasurer/Asst. City Manager – Brian Gregory said the audit drafts were under review and they should have final copies the first meeting in October. He said the ambulance billing through Kishwaukee Hospital is now up and running and going well.

Acting Police Chief – Cary Singer reported that last Wednesday the Police Department went live with MDC’s (mobile data computer). He said Dispatch is dispatching directly to the laptop that tells the officers and tells them where to go. He said they have the capability to access histories of vehicles, names, mug shots before they get to the residence. He said the Car Show donations have helped fund the program.

Public Works Director – Fred Busse said he would like to discuss Public Work’s involvement with mailboxes with the Public Works Committee because it has become very expensive.

City Manager Nicklas suggested that Committee meet at 6:30 before the October 6<sup>th</sup> meeting.

Assistant Public Works Director – Ebe Smith – no report.

## REPORT OF STANDING COMMITTEES

Finance – no report

Public Safety – no report

Public Works – Chairperson Stowe said there would be a meeting at 6:30 pm October 6.

**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.**

John Pappas, petitioner, said he was proposing 108 single-family lots all a little over ½ acre plus an assisted living facility. He said the assisted living facility was ready to go and would be built 7 years before any single-family homes were built. He said they have proposed rerouting Brickville Road with a new road that will bypass a dangerous curve and improve the safety of the neighborhood.

Peter Smith, 1958 Aberdeen Ct., said no residential lots would be built until 2012 and they are obligated to pay whatever impact fees are in place at the time of permitting. He said he thought they had met all the requirements from the staff from an engineering perspective and from a social policy perspective. He asked on behalf of the developer that Council approve this.

Aldersperson Taylor said that section 17.1 states there would be no school district or park district impact fees due for the section labeled R3.

City Manager said the reference was because of the specific special use for an assisted living project.

Aldersperson Taylor said the current residents of Brickville Road have expressed concern about changing the name of their section of Brickville Road and all that would entail. He asked if that has been addressed.

Mr. Nicklas said he spoke with Engineer John Brady who explained that they would want to keep Brickville in the title because to the north and east it would be called Brickville Road, but could possibly call the new road Brickville Place.

Aldersperson Taylor asked if the density which is 1.14 units per acre included the assisted living in the calculation.

Mr. Nicklas said the facility is not calculated, but the density is calculated on the overall site.

**Motion**

Aldersperson Kessler moved to approve Ordinance 2008.22 and Aldersperson Paulsen seconded the motion.

Aldersperson Neubauer said he could not support this because the impact fees are not high enough to cover the cost of the new development and he did not want taxpayers to bear that cost. He reviewed an impact fee calculation sheet he had distributed earlier comparing impact fees to DeKalb and referring to calculations in the recent fiscal impact study. He calculated that the school impact for new homes is \$35,000 and with current impact fees at \$3,000 to \$5,000 and transfer tax fees around \$2,000 we are basically giving a subsidy to the developers on each new home of about \$30,000. He said when we give that subsidy then the taxpayer pays. He said if the City had imposed road impact fees of \$1,500 about 5 years ago we would have about \$8 million in past and future projected revenues to spend and could have avoided the recent gas tax and the sales tax increase could have been ¼%. He said when the treatment plant expansion begins our sewer fees will increase about 30% and if our sewer impact fees would have been higher we would not have to increase fees. He said he does not see anything wrong with this annexation agreement and if our impact fees were as high as DeKalb's he would vote for it.

Aldersperson Kessler said for clarification purposes, when something appears at her desk with no author it does not exist. She said she does not know why impact fees are being discussed because the agreement states that the impact fees follow along with the agreement. She said that Sycamore is not DeKalb and we

take direction from the City Manager through his discussion with department heads. She said the school district has made the decision not to request additional impact fees at this time. She said if impact fees are raised the developer or builder must pay the increased fee. She said this development will create a bypass for a dangerous curve and the water issues for the area have been addressed. She said this is a good plan and she thought they should all support it.

Mayor Mundy told Alderperson Neubauer that placing documents before Council at the final moment was inappropriate and a disservice to the public and said it should cease. He suggested getting the information to Council in advance of the meeting in order to give them time to review.

Alderperson Neubauer said this was not his full-time job and he did not have time previously to get this completed.

Mr. Nicklas said the numbers distributed by Alderperson Neubauer might be deserving of an agenda slot in and of itself. He said Alderperson Neubauer's numbers comparing DeKalb and Sycamore are accurate. He said there is a collegiate disagreement between Alderperson Neubauer, Assistant City Manager/Treasurer Brian Gregory, and himself on how to calculate impact fees. He noted that all annexation now include the payment of impact fees at the time of permitting.

Alderperson Adee said she thought they should be able to speak without interruption and asked that they treat each other with consideration.

Alderperson Stowe said he thought that straightening the curve seemed to satisfy the current residents. He also said he had no way of verifying numbers when he receives them at 7:00 pm.

Alderperson Neubauer said there is an elderly couple one block from his house who can barely make ends meet and if he approved this annexation agreement with impact fees too low property taxes will need to be increased and therefore lower that couple's standard of living.

Alderperson Taylor said they were approving a preliminary plan and impact fees would be a separate issue. He said from an ethical perspective they should be looking at whether the annexation agreement fit the Comprehensive Plan and in the long term would it be in Sycamore's best interest. He said they should focus on the annexation agreement.

Alderperson Adee said she thought it was important to listen to the people who are asking the City to wait.

#### **Roll call vote**

Mayor Mundy called for a roll call vote to approve the motion. Alderpersons Kessler, Paulsen, Stowe, Taylor and Mayor Mundy voted aye with Alderpersons Adee, Bauer, Knuth, and Neubauer voting nay. Motion failed 5 - 4.

#### **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.**

#### **Motion**

Alderperson Stowe moved to approve Ordinance 2008.23 and Alderperson Bauer seconded the motion.

**Roll call vote**

Mayor Mundy called for a roll call vote to approve the motion. Alderpersons Kessler and Taylor voted aye with Alderpersons Adee, Bauer, Knuth, Neubauer, Paulsen and Stowe voting nay. Motion carried 2 - 6.

- C. Ordinance No. 2008.27—An Ordinance Requesting Permission from the Illinois Department of Transportation to Close Illinois Route 64 from Governor Street to Sacramento Street from 7:00 P.M. Until 8:30 P.M. on Wednesday, October 1, 2008 To Allow for the Sycamore High School Homecoming Parade in the City of Sycamore, Illinois. First and Second Reading.**

City Manager Nicklas explained that the time should be 6:00 p.m. until 7:30 p.m.

**Motion**

Aldersperson Stowe moved to hear Ordinance 2008.27 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 2008.27 and Aldersperson Neubauer 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.

- D. Ordinance No. 2008.28—An Ordinance Declaring Wednesday, October 22, 2008 Through Sunday, October 26, 2008 as Pumpkin Festival in the City of Sycamore, Illinois. First and Second Reading.**

**Motion**

Aldersperson Taylor moved to hear Ordinances 2008.28, 2008.29, 2008.30, 2008.31 and 2008.32 in omnibus fashion 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.

- E. Ordinance No. 2008.29—An Ordinance Requesting Permission from the Illinois Department of Transportation to Close Illinois Route 64 from Governor Street to Sacramento Street Between 9:00 A.M. and 10:00 A.M. on Sunday, October 26, 2008 To Allow for the “Road Run” as Part of the Pumpkin Festival in the City of Sycamore, Illinois. First and Second Reading.**

- F. Ordinance No. 2008.30—An Ordinance Requesting Permission from the Illinois Department of Transportation to Close Illinois Route 64 from Governor Street to Sacramento Street from 12:00 Noon Until 5:00 P.M. on Sunday, October 26, 2008 To Allow for the Pumpkin Festival Parade in the City of Sycamore, Illinois. First and Second Reading.**

- G. Ordinance No. 2008.31—An Ordinance Authorizing the Use of City Parking Lot #3 at the Corner of Sacramento Street and State Street for a Carnival to be Held from Wednesday,**

**October 22, 2008 Through Sunday, October 26, 2008 in the City of Sycamore, Illinois. First and Second Reading.**

**H. Ordinance No. 2008.32—An Ordinance Authorizing the Use of City Parking Lot #1 at the Corner of Somonauk Street and Elm Street for a “Kiddee Carnival” to be Held from Wednesday, October 22, 2008 Through Sunday, October 26, 2008 in the City of Sycamore, Illinois. First and Second Reading.**

**Motion**

Aldersperson Knuth moved to hear Ordinances 2008.28, 2008.29, 2008.30, 2008.31 and 2008.32 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 Neubauer moved to approve Ordinances 2008.28, 2008.29, 2008.30, 2008.31 and 2008.32 and Aldersperson Taylor 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.

**RESOLUTIONS**

**A. Resolution No. 507—Concurring with the Sycamore Park District Recommendation to Revise the Sycamore Park District Land/Cash Fee Schedule.**

City Manager Nicklas said this matter was before Council at the last meeting in August and the Park District and they City have now both signed off on an indemnity agreement which was the backdrop to the consideration to a proposed change in the fee schedule. He said this comes back as a resolution per direction of Council at the last regular meeting. He said because this falls under the Unified Development Ordinance, action will need to be taken to revise the UDO in the event that Council supports this resolution. He said he felt it was important that Plan Commission get the sense of the body before it goes before them as a public hearing and an action item. He said the proposal is a revised fee schedule that reflects either what has been established to the satisfaction of the Council in the form of some statistical analysis done by Dr. Emanuelson in 2007 or in the case of the acreage per thousand that has increased since it was last changed in 1996. He said he believes the findings would be defensible and based on accurate data. He said the Sycamore Chamber of Commerce and DeKalb County Building and Development Association have registered concern about any changes proposed without a capital plan. Mr. Nicklas said that he this summer he sat down with Park District Executive Director David Peek and his staff to review their operational and capital budget and he said that any change in fees right now would serve a useful purpose toward the development of new parks that have been identified and purchased and are not developed because of lack of funds. He said as a pragmatic matter it is in the City's interest to support this particular change at this time and that is why he is recommending the change. He said that a couple of meetings ago the Park Board suspended any further capital purchases except those that are urgently needed to maintain current operations and that is a reflection of the detailed financial information he reviewed that lead him to his recommendation.

Aldersperson Kessler asked if they could separate the land/cash portion from the impact so they could adjust them separately.

Mr. Nicklas said there is a court-tested model with a reason for the connection. He said it is proposed to keep the model and plug in Sycamore numbers that reflect the actual demographics in Sycamore. He said by separating the numbers they might be removing themselves from the justification of fees that has been court tested.

Aldersperson Taylor said it sounded like the problem is with the overall tax rate for the Park District and not the impact fees.

Mr. Nicklas said when tax caps were imposed each taxing body had one year to establish a bonded debt limit for capital purposes and all the other County taxing bodies affected by tax caps did so except for the Park District. He said the Park District's cap after that first year was established at \$500,000.

Aldersperson Paulsen asked if Council approved the resolution, would they simply be pushing this forward to Plan Commission.

Mr. Nicklas said they would basically be telling the Plan Commission Council's position.

**Motion**

Aldersperson Stowe moved to approve Resolution 507 and Aldersperson Paulsen 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, and Stowe voted aye with Aldersperson Taylor voting nay. Motion carried 7 - 1.

**CONSIDERATIONS**

**A. Consideration of an Administration Recommendation Regarding Improvements to Somonauk Street.**

City Manager Nicklas explained that this project would be paid through the motor fuel tax proceeds and noted that Public Works has been replacing curb and gutter along that portion of Somonauk Street.

**Motion**

Aldersperson Bauer moved to award the contract to Curran Contracting for \$118,146.34 and Aldersperson Adee seconded the motion.

Aldersperson Bauer asked if this would be completed before the parade.

Mr. Nicklas assured him it would.

**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.

**OTHER NEW BUSINESS**

**APPOINTMENTS**

## **ADJOURNMENT**

### **Motion**

Alderson Stowe moved to adjourn the meeting at 8:40 p.m. 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.

Approve:

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Mayor - Ken Mundy

Attest:

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City Clerk – Candy Smith