
**SYCAMORE CITY COUNCIL – REGULAR MEETING
MINUTES OF OCTOBER 6, 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, Darren Knuth, Rich Neubauer, Pete Paulsen, Chuck Stowe and Gregory Taylor. Alderperson Terry Kessler was absent.

INVOCATION

Diaconal Minister Judy Bergeson of Salem Lutheran Church gave the invocation.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Motion

Alderperson Taylor moved to approve the agenda and Alderperson Paulsen 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 said he was representing the DeKalb County Builders and Development Association and wanted to note that the City's Building Department had been working with them on the building codes and encouraged passing of the new ordinances.

Mike Fogelsanger, 845 Sunset Ln., thanked the City Departments for their work during and after the storm on September 15, 2008. He said he railed against the federal government bailing out the banks and said the City runs a continuous surplus yet keeps imposing new taxes. He said you cannot give people everything they want and expect the taxpayers to pay for it. He asked the City Council to spend tax dollars on only needs and not on wants.

CONSENT AGENDA

- A. Approval of the Minutes for the Regular City Council Meeting of September 15, 2008.
- B. Payment of the Bills for October 6, 2008 in the amount of \$3,209,667.50.

Motion

Alderperson Bauer moved to approve the Consent Agenda with a correction to the minutes regarding the vote on the approval of the agenda and Alderperson Stowe seconded the motion.

Voice vote

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

PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.

Alderperson Taylor said he attended a Historical Society meeting and said they have a very good plan. He said he was still troubled by what happened two meetings ago regarding information appearing at the last

minute before a meeting and turning down an annexation. He said he tends not to read new information right before a meeting. He also noted that Council turned down an annexation with an assisted living facility and he felt Council should vote for what is good for the City.

Aldersperson Paulsen thanked the Fire Department for the fire prevention tours they perform for the children in town.

Mayor Mundy introduced Troop 40 from St. Mary's and thanked them for attending the meeting. He said there would be a Heartland Blood Drive October 24 & 25 at the corner of Maple and Elm Streets. He noted FEMA disaster information was available on the table in the back of the room and asked the press to print it. He said, for the Sesquicentennial, there would be 24 Sycamore School students on a covered wagon in the Pumpkin Parade and there would be a dance November 22 at St. Mary's Reception Hall. He asked residents to shop locally.

- A. Sycamore Economic Development Commission member and Mayor Ken Mundy will introduce Kent Clapsaddle of CMJ Technologies who will describe his company's new services in the City of Sycamore.

Kent Clapsaddle, Marketing, and Chad Jewitt, President and Founder of CMJ Technologies, said they were located at 228 W. Page Street and perform sales, installation, configuration, maintenance, and training for computer equipment and software.

REPORT OF OFFICERS

Manager – Bill Nicklas said he had never been criticized for turning a surplus which has been invested in ways that saves the taxpayers money because we have been able to do a number of infrastructure projects without borrowing money. He invited Mr. Fogelsanger to take time to meet with him to review the budget. Mr. Nicklas said there were a number of street maintenance projects under way and said that S. Main Street will be completed by October 20.

Engineer – John Brady, Sycamore Municipal Engineering, said that tomorrow would be the last day to order trees and they were nearing the amount intended to sell.

Building & Zoning – Lyle Doty distributed copies of minor revisions for the building ordinances on the agenda.

Fire Chief – Bill Riddle said the Great Chicago Fire was October 8, 1871 and this is fire prevention week. He said many of the building codes relate to fire safety.

Treasurer/Asst. City Manager – Brian Gregory reported that last summer the City updated our financial and investment policy. He noted that we participate in the collateralization of funds and in investment pools which keep our investments secured.

Police Chief – Don Thomas said the Homecoming Parade started at 6:00 pm this year in order to keep the entire parade in day light. He said that next year the parade will start at Maple and State and go all the way to the High School. Chief Thomas also noted that there is an ordinance prohibiting placing anything on the parade route to reserve seats before 5:00 pm Friday before the Pumpkin Parade. He said the design firm would bring an update of the plans for the Police Department at the next meeting or the first meeting in November.

Public Works Director – Fred Busse reported that work on the three alleys has been completed. He thanked Sycamore Township for the use of their large roller. He said they will address more each year until they are all redone. He said leaf pickup will begin October 20.

REPORT OF STANDING COMMITTEES

Finance – no report

Public Safety – no report

Public Works – Chair Chuck Stowe said they held their first meeting earlier tonight to discuss mailbox repair and replacement after the snowplowing operations. He said they decided to leave present procedures in place and look at something in the future that would be more solid.

PUBLIC HEARING - None

ORDINANCES

- A. Ordinance No. 2008.33—An Ordinance Concerning the Recommendation of the Plan Commission with Regard to the Petition of BTS Tower Development, LLC for a Special Use Permit for a 190-Foot Monopole Wireless Communication Tower at the Southeast Corner of Page and North California Streets in the City of Sycamore, Illinois. Second Reading.**

City Manager Nicklas said he had received no new information and this was held over to allow the petitioner to have a spokesperson available.

Boris Timotijevic, BTS Tower Development, 1197 Naracanset Drive, Carol Stream, said the proposed tower is located at the southeast corner of Page and California Streets and the zoning is currently M-1. He said the proposed 190-foot monopole would handle 5 carriers. He said the County would not allow them to co-locate on their tower because they wanted to reserve space for their own future needs. He said that people complained that they were too close to the historical courthouse and though they were not asked to provide data they received State of Illinois and FCC approval. He said many people have asked why that location, so he brought the radio frequency engineer with him. He passed out a packet with three stories about recent deaths due to poor 911 service and asked Council to take a few minutes to read them.

Mayor Mundy said this information could have been distributed earlier and asked Mr. Timotijevic to proceed with his presentation.

Swapnil Tiwari, Radio Frequency Engineer, 1700 Higgins Office, Des Plaines, said they had completed task 935 of the task list which is the E911 locate. He said without the tower a large segment of service by Cricket would not be covered.

Mr. Nicklas said they have identified the site, but asked why the tower, which can be varied in height, could not be located ½ mile away.

Mr. Tiwari said that was the best location to provide good service.

Mr. Nicklas said he was suggesting there were sites outside the residential area that would be near, but he was saying it was not technically possible.

Mr. Tiwari said it was technically possible, but this tower is already on this site. He said because of where their other poles are located, this site would provide the best coverage.

Alderson Paulsen said he has heard from many of his constituents that are opposed to having the tower in town and he suggested placing the tower outside of town.

Mr. Tiwari said they could not get permission to co-locate on the County's tower.

Alderson Paulsen said the County tower is the E911 tower for the area and Cricket's tower does not meet the requirement of a Special Use.

Mr. Timotijevic asked if the County tower was in the City's jurisdiction. He said part of the planning and ordinance for the City of Sycamore is that the provider that replaced the old tower and replaced the new tower, U.S. Cellular, did not send Cricket a letter of notification that they were taking down the old tower and replacing it with a new tower. He said they would not be here if they had received a certified letter from U.S. Cellular.

Mr. Nicklas said there is a caveat that limits what the City can dictate to them if it is not creating an obvious hazard to public safety.

Mr. Timotijevic asked if there was an ordinance stipulating that they would have to receive a certified letter from a new carrier that is building a new tower.

Mr. Nicklas said the City has a co-location protocol that this proposal must comply with because they were wholly within the jurisdiction of the City.

Alderson Paulsen asked the Mayor if he could call the vote.

Alderson Stowe quoted Article 4.3.3 of the City's Unified Development Ordinance ("UDO"), "special uses may be granted only if the following evidence is established: The proposed structure or use at the requested location is necessary or desirable to provide a service or a facility which is in the interest of the public and will contribute to the general welfare of the neighborhood or community" and said the neighbors have expressed that this was not desirable.

Mr. Timotijevic asked Alderson Stowe to show him in the City ordinance where it said it was desirable and the terminology.

Alderson Stowe showed him Article 4.3.3 that he had just quoted.

Mr. Timotijevic said they have followed the letter of the law and asked the Building Commissioner about the site.

Alderson Taylor asked if Cricket was a company like Verizon or if it was pre-paid phones.

Mr. Tiwari said it is a new service like Verizon and A T & T and they will have store locations.

Aldersperson Taylor said they must be looking to get their initial footprint in this region up and running and asked if they had anybody to co-locate on their tower.

Mr. Timotijevic said that Cricket has 3 million customers in 22 states and they are expanding.

Motion

Aldersperson Stowe moved to approve Ordinance 2008.33 and Aldersperson Bauer seconded the motion.

Aldersperson Stowe said to check out Article 4.3.3 of the City's Unified Development Ordinance to get the language.

Mayor Mundy suggested Council be clear that by approving the ordinance they are denying the request for the Special Use Permit.

Aldersperson Neubauer asked if he was opposed to this tower he should vote no.

Aldersperson Bauer said if they were opposed to the tower they should vote yes.

Roll call vote

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

Mayor Mundy explained that this vote denied the Special Use Permit request.

B. Ordinance No. 2008.34—An Ordinance Establishing and Fixing Compensation for Elected Officials of the City of Sycamore, Illinois. First and Second Reading.

City Manager Nicklas said City Attorney Foster ruled that any adjustment needed to be definite and certain so the yearly increases have been identified in the ordinance.

Aldersperson Neubauer said he agreed with this proposal and if other members of management are being compensated accordingly and this is in line with other communities he felt this was fair.

Motion

Aldersperson Neubauer moved to hear Ordinance 2008.34 on first and second reading and Aldersperson Bauer 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 Neubauer moved to approve Ordinance 2008.34 and Aldersperson Bauer seconded the motion.

Aldersperson Taylor said this is an elected position and he did not know of too many elected positions getting cost of living increases. He said these are difficult economic times and he felt that a 4% increase was too much.

Roll call vote

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

- C. Ordinance No. 2008.35—An Ordinance Amending Title 9, “Building Regulations,” Chapter 2, “Building Codes,” Section 9-2-1, “Building Code” to Adopt the 2006 International Building Code. First Reading Only.**

City Manager Nicklas said this is a series of ordinances adopting International Building Codes. He said the draft ordinance Mr. Doty passed out earlier were for Ordinance 2008.37 which deals with the adoption of the 2006 International Residential code. He said the building codes adopted should have a minimum of revisions, but they need to be adapted to the region. He said these must be adopted by the next meeting in order to meet the ISO time lines.

Mayor Mundy read the titles of Ordinances 2008.36 through 2008.44 into the record.

- D. Ordinance No. 2008.36—An Ordinance Amending Title 9, “Building Regulations,” Chapter 2, “Building Codes,” Section 9-2-6, “Existing Buildings” to Adopt the 2006 International Existing Building Code. First Reading Only.**
- E. Ordinance No. 2008.37—An Ordinance Amending Title 9, “Building Regulations,” Chapter 2, “Building Codes,” Section 9-2-2, “Building Code” to Adopt the 2006 International Residential Code. First Reading Only.**
- F. Ordinance No. 2008.38—An Ordinance Amending Title 9, “Building Regulations,” Chapter 2, “Building Codes,” Section 9-5-1, “Building Code” to Adopt the 2006 International Property Maintenance Code. First Reading Only.**
- G. Ordinance No. 2008.39—An Ordinance Amending Title 9, “Building Regulations,” Chapter 2, “Building Codes,” Section 9-2-7, “Mechanical Code” to Adopt the 2006 International Mechanical Code. First Reading Only.**
- H. Ordinance No. 2008.40—An Ordinance Amending Title 9, “Building Regulations,” Chapter 4, “Electricity and Fire Protection,” Section 9-4-2, “Codes Adopted” to Adopt the 2006 International Fire Code. First Reading Only.**
- I. Ordinance No. 2008.41—An Ordinance Amending Title 9, “Building Regulations,” Chapter 2, “Building Codes,” Section 9-2-8, “Fuel Gas Code” to Adopt the 2006 International Fuel Gas Code. First Reading Only.**
- J. Ordinance No. 2008.42—An Ordinance Amending Title 9, “Building Regulations,” Chapter 2, “Building Codes,” Section 9-2-9, “Energy Conservation Code” to Adopt the 2006 International Energy Conservation Code. First Reading Only.**
- K. Ordinance No. 2008.43—An Ordinance Amending Title 9, “Building Regulations,” Chapter 2, “Building Codes,” Section 9-2-10, “Performance Code” to Adopt the 2006 International Performance Code for Buildings and Facilities. First Reading Only.**

L. Ordinance No. 2008.44—An Ordinance Amending Title 9, “Building Regulations,” Chapter 2, “Building Codes,” Section 9-2-11, “Wildland-Urban Interface Code” to Adopt the 2006 International Wildland-Urban Interface Code. First Reading Only.

RESOLUTIONS - None

CONSIDERATIONS

A. Consideration of the City of Sycamore’s Financial Statements for Fiscal Year 2007-2008, Including the Independent Auditor’s Report.

Dennis Hildebrandt said there was only one financial statement finding which was insufficiencies in separation of duties but did not feel it was a material weakness. He said the City would have to be a very large company in order to remove that finding.

City Manager Nicklas asked how the City could address this without hiring an army of people who would basically be underutilized because they would be there to perform some little job to help satisfy our annual audit requirements. He asked if Mr. Hildebrandt and his fellow auditors could put thresholds into that judgment that acknowledges that this is just a financial burden on communities and organizations.

Mr. Hildebrandt said that was why they made the determination that it was not a material weakness. He said the City has in place internal controls to minimize a material statement or to minimize the risk that fraud could occur. He said because of the accounting standards, there is no way to remove that finding. He said the City has done a good job of putting in the checks and balances.

Mr. Nicklas said if this is what is between us and a clean audit, we will never receive a clean audit.

Mr. Hildebrandt said the industry is moving toward international standards which would be geared toward the large companies. He said there were some issues that could improve the controls that are currently in place and he felt the City would address those because there have never been the same issues two years in a row. He talked about reserve transfers and said they have been handled properly, but his hands were tied about how they needed to report that. He said a second reconciliation has been added onto funds that have reserve transfers. He said the City of Sycamore is sitting in a fairly good position with their fund balance. He said he has seen municipalities that have no fund balances that have to borrow for projects and raise taxes to pay their bills.

B. Consideration of an Administration Recommendation for a Closed Session to Discuss Collective Bargaining Matters.

Motion

Aldersperson Neubauer moved to go into Closed Session at 8:50 pm and Aldersperson Taylor seconded the motion.

Roll call vote

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

Motion

Aldersperson Knuth moved to return to Open Session at 8:55 pm and Aldersperson Neubauer seconded the motion.

Roll call vote

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

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 7 - 0.

Approve:

Mayor - Ken Mundy

Attest:

City Clerk – Candy Smith