
**SYCAMORE CITY COUNCIL – REGULAR MEETING
MINUTES OF FEBRUARY 2, 2009**

ROLL CALL

Mayor Ken Mundy called the meeting to order at 7:00 p.m. and City 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 Mills of Bethel Assembly of God gave the invocation.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Motion

Aldersperson Neubauer moved to approve the agenda and Aldersperson Kessler 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

Representative Bob Pritchard said after years of waiting for the gridlock to break in Springfield, Governor Quinn has taken over with a different style of leadership than he has experienced over the past 5 years. He said that Governor Quinn has already met with all the constitutional officers and has started touring the state. He said that he is looking at the whole ethical issue that has led us to a culture of corruption, but you cannot legislate morality. He said they have begun discussion with legislative leaders regarding the financial mess the state is in and they must deal with spending and revenue issues. He asked for input from City leaders and residents to give direction on how Illinois should do business. He said they will be creating a capital bill and then will have to figure out how to pay for it. He said that he appreciated City Manager Nicklas and Mayor Mundy sharing the City's capital concerns as part of the federal stimulus and he would pass that on to Foster, Durbin, and Burris.

Mayor Mundy asked if we had missed any deadlines on the federal funds.

Rep. Pritchard said there are 7 to 9 billion dollars in road money that is on an availability basis and theoretically it is still available once we come up with state funding to match those federal dollars. He said his concern is that they are already drafting new legislation for the next transportation bill and if we have not drawn on the dollars we have we will probably not get the new dollars in the proportion we ought to.

Aldersperson Kessler asked what was being done for business attraction and retention.

Rep. Pritchard said that part of business retention and attraction is done through the Department of Community and Economic Outreach and they have not had funding. He said there has not been a governor that has been concerned about this issue. He said he felt that attraction was tied to a trained work force and there is a need putting dollars into education to prepare the work force.

Michael Fogelsanger, 845 Sunset Lane, said he was running for 4th Ward Alderman and thanked Darren Knuth for his service. He also thanked Rep. Pritchard for helping to get assistance for a veteran who did not live in this district help in getting a new bed and physical therapy. Mr. Fogelsanger said he supported Option D for the budget and said discretionary spending is what got the City into the trouble it is in today.

Zack Siddiqui, 101 Heron Creek Drive, asked the City to amend an annexation agreement requiring a sidewalk in front of his 6-unit building. He said he cannot get a contractor to put in a public sidewalk because there are many obstacles like trees, signs, hydrants, manholes, gas lines, and electric lines.

City Manager Nicklas said he thought it was appropriate to place that in the Public Works Committee. He said it is Council policy to desire sidewalks along property frontage and he preferred that Council deal with this rather than sending it back through Plan Commission.

Rick and Gloria Kramer, 337 Charles, said they have owned and operated a tattoo studio called Spider Tattoo for the last 22 years. He said they want to relocate their business to the City of Sycamore and want to expand that business to include a Native American art gallery. He said they are honest, tax paying citizens and want direction how to get their business relocated to Sycamore.

City Manager Nicklas said they would have to go through Plan Commission because the Unified Development Ordinance lists allowable uses and when it is silent on a business type that business is not allowed. He said the City would need to publish a public hearing notice and it looks like this could be on the March agenda.

Brad Dewey, 346 Pleasant Street, AFSCME President, said many AFSCME members were in the audience tonight and last meeting to familiarize themselves with the problems and said they would like to be part of the solution. He said there was mention of a pay freeze at the last meeting and it is not that in itself that bothers them, but they are under the understanding that of the 4 groups that make up the City, 3 groups are asked to freeze their pay and one group is looking at a possible 3.75% raise. He said that even though that increase is not by Council's choice, AFSCME cannot stand behind that. He said they can stand behind a mutual decision of all parties, but this seems to be pretty one sided. He thanked Council for considering layoffs as a last option. He said at the last meeting there was a street maintenance fund that Council did not want to use, but he thought that perhaps the money that was allocated to start that program might be utilized. He said he thought the new Option D to use Hotel-Motel Funds would look more responsible than using reserves. He said that layoffs lead to service cuts and right now they are experiencing a higher demand for service than ever.

CONSENT AGENDA

- A. Approval of the Minutes for the Regular City Council Meeting of January 20, 2009.
- B. Payment of the Bills for February 2, 2009 in the amount of \$3,089,639.85.
- C. Sycamore Police Department Summary Report for 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 Alderspersons voted aye. Motion carried 8 - 0.

PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.

Mayor Mundy nominated City Manager Bill Nicklas to represent Sycamore on the Regional Plan Commission. He said he received a letter from Margi Gilmour thanking Council for working with the County on the Special Use for the Safe House.

Aldersperson Neubauer clarified Brad Dewey's comment about the dollars allocated to the street maintenance program by telling him that those were capital fund dollars not general fund dollars.

- A. Proclamation Declaring the Month of February, 2009 as Career and Technical Education Month in the City of Sycamore.

Bruce Griffith, representing KEC, thanked Mayor Mundy for the proclamation and had 7 KEC students introduce themselves.

REPORT OF OFFICERS

Manager – Bill Nicklas said he would have a report on the capital side of the budget at the next meeting.

Engineer – John Brady, Sycamore Municipal Engineering, said water tower bids would be opened February 9 and would be brought to Council at a future date.

Building & Zoning – Lyle Doty said a house that has been vacant on the SE corner of Ottawa and Park is now back in service.

Fire Chief – Bill Riddle thanked the Police Department for their investigation that obtained 2 convictions of arson for a fire July 12, 2008 on North Cross Street.

Treasurer/Asst. City Manager – Brian Gregory said that IMRF 2008 numbers showed a loss of 24.8% and they are going to allow a phase in with a cap which should be about 10%. He said he would come back in April with an actual number.

Police Chief – Don Thomas explained that the 2008 Police Summary Report showed criminal activity up 3.5%, but said Sycamore is a relatively safe place to live. He said they are writing more warning tickets and have increased the miles driven because the public said they wanted more police presence in the neighborhoods.

Aldersperson Kessler complimented Chief Thomas on their web page and Chief Thomas credited Officer Domenighini for that.

Aldersperson Knuth said he has been getting feedback from residents over the past two years that have felt the Police Department has become more professional.

Chief Thomas credited Lt. Darrell Johnson for the professionalism of the officers.

Public Works Director – Fred Busse said bids are out for the solids handling project at the waste water treatment plant. He said bid opening will be March 4 and once awarded the project should take about 16 weeks.

Public Works Asst. Dir. – Ebe Smith said there have been 5 watermain breaks over the past two weeks.

REPORT OF STANDING COMMITTEES

Finance – no report
Public Safety – no report
Public Works – no report

PUBLIC HEARING - None

ORDINANCES - None

RESOLUTIONS - None

CONSIDERATIONS

A. Consideration of a Presentation by Christopher Burke Engineering Regarding the Legal and Policy Options That May Be Pursued With Regard to a Transportation Impact Fee.

Greg Chismark of Christopher Burke Engineering said the topic of impact fee ordinances typically comes up when the worlds of land use and transportation infrastructure come together and create an impact that often manifests itself into congestion that could be roadway conditions and possibly safety concerns. He said the impact fee ordinance gets its authority from the Illinois compiled statutes and that is where the procedure for implementation is defined. He said that road impact fees can fund improvements to existing roads, but they must be uniquely and directly attributable to the development and typically they are capacity improvements like turn lanes. He said that road impact fees cannot be used for maintenance of existing roadways. He said the first step in the statutory process is to appoint an advisory board of 10 to 20 members with certain interests that need to be represented that will make a recommendation to Council. He said the process with hearings for Land Use Assumptions and a Capital Road Improvement Plan generally takes about 12 months. He said that DeKalb adopted a policy, but did not adopt an impact fee.

City Manager Nicklas said in the last 10 years the City has required new subdivisions to do widening of existing surfaces and turn lanes to those surfaces that are adjacent to the subdivisions. He said that developers have paid for this upfront and the question is who will pay for what is left. He said the proposed Pappas development at Peace & Brickville will give the City an opportunity to talk about who will pay for the overflow impacts.

Aldersperson Neubauer said that Sycamore is going to basically double in size and he presumed there would be twice the amount of traffic throughout town. He asked if there was any way to hold the developer responsible for the impact of that traffic if the streets are not adjacent to the new development.

Mr. Chismark said the annexation agreement is a separate document to deal with the developer. He said the ordinance itself would look at the City as a whole and at existing deficiencies and then put on the additional land use to see where the future deficiencies would be. He said that would establish a certain set of road improvements.

Mr. Nicklas said the fees need to be uniquely and directly attributable to the new development and it is harder and harder to prove impacts that are a mile or two from a development. He said that is why we are looking to professionals to guide us.

Aldersperson Kessler asked if the impact fee affects language about road improvements in an annexation agreement.

Mr. Chismark said that St. Charles does not have an impact fee, but Kane County does and it did affect the negotiations because the developer claimed they have to pay the county. He said he thought it weakened the City's position to require additional improvements.

Aldersperson Neubauer said we have addressed this in some annexation agreements by referring to a future transportation impact fee so in order for that to go into affect we have to develop a fee schedule. He suggested they might be able to go back to older annexation agreements and give a break in pricing in exchange for a transportation impact fee.

Mr. Nicklas said that in 2005 there might have been an opportunity to open annexation agreements, but now the main concern is an inability to sell lots and anything in the developers' mind that affects the real estate transaction is a detriment. He said that land prices are dropping, lenders have increased equity requirements, and now appraisals are lower. He said he did not think this was a good time to ask to open existing annexation agreements to add a fee.

Mayor Mundy said each plan that comes to the City has its own characteristic and asked how discretionary we could be.

Mr. Nicklas said that DeKalb has adopted a policy, but it does not address commercial and industrial development. He said he thought Sycamore should look at that because the biggest impact on our streets is from trucks. He said that on the other hand, if we are trying to attract new business, we do not want to appear to be adding on new costs.

Aldersperson Stowe said he thought the City should probably pursue this even if the area yet to be annexed looks small. He said it would be good to get this on the books for future development.

Mayor Mundy said he thought we should bring back questions, concerns, and comments in two weeks.

B. Consideration of an Administration Request for Direction on the Proposed FY2009-2010 Fiscal Year Budget.

City Manager Nicklas said in the interim since the last meeting he scratched through the department's operating budget to see if he could find some savings. He said he found as many offsets of new costs as he did of savings, so the \$437,000 deficit remains. He said he dropped the option for using portions of the street maintenance fund and came up with a new Option D that calls for using some monies from the Hotel-Motel Tax Fund reserves and some from the General Fund reserve. He said maintaining basic services is critical and he felt we need to keep the talent we have to do that. He said using the Hotel-Motel Fund diminishes the impact on the General Fund reserve which frees up some money if we are in the same boat next year and that is the repository of funds we use for capital purposes. He said he needed direction and he said to those in attendance from collective bargaining that the City understands that we do not dictate the results of their bargaining sessions. He said he hoped they could work together.

Aldersperson Stowe said he liked Option D. He said the Hotel-Motel Tax was originally passed to put into the General Fund. He said if things don't get better in the next 12 months they would have to make hard decisions.

Aldersperson Bauer said he was glad to see Option D because it spreads some of the impact across three sources. He said he was happy that job cuts were not a part of this. He said he hoped that as they go forward people will figure that no increase is better than 100% decrease.

Aldersperson Knuth said Option D seemed like the fairest and the least painful to most people.

Aldersperson Paulsen said he thought that Option D was the best thing they had seen so far. He said a key component is that there is no wage and salary increase with the exception of contractual step increases. He said that no increase is better than no job, whether it is your job or your buddy's job. He said this is not an easy decision and although there are different unions, they are all on the same team. He said they cannot shift money around forever.

Motion

Aldersperson Paulsen moved to approve Option D and Aldersperson Stowe seconded the motion.

Aldersperson Taylor said he thought Option D seemed to be the best option, but said he was deeply troubled that not everyone was in it at the same level of commitment.

Aldersperson Kessler asked where AFSCME stands in wages with their comparables.

Mr. Nicklas said they always aim for the middle.

Aldersperson Kessler said the reason she pointed that out was that she understood where they were coming from when they see 3.75% for another union. She said it seems unfair, but that is from binding arbitration. She said she appreciated their coming before Council this evening knowing there would not be discussion on what they said because we are a City Manager form of government. She said she thought Option D was the way to go this year. She said she understands how they must feel this in unfair and said she works for a government, NIU, and said their chief financial officer is squeaking to give them any little bit when they can. She said we appreciate what you do and we will work to keep it worth while to do what you do.

Mr. Nicklas added that the arbitration rulings are binding, except in this case the arbitrator's decision stated "based on changed circumstances" by mutual agreement of the parties, a different wage accord can be reached.

Aldersperson Stowe said that one reason we have a problem is because we have been cutting our property taxes to take the load off the property owner. He said that once the sales tax rebounds, we will be in good shape.

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.

C. Consideration of an Administration Request for a Closed Session to Discuss Collective Bargaining Matters.

Motion

Aldersperson Taylor moved to go into Closed Session at 9:05 p.m. and Aldersperson Paulsen seconded the motion.

Voice vote

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

Motion

Alderperson Bauer moved to return to Open Session at 9:25 p.m. 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.

APPOINTMENTS

ADJOURNMENT

Motion

Alderperson Stowe moved to adjourn the meeting at 9:25 p.m. 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 8 - 0.

Approve:

Mayor - Ken Mundy

Attest:

City Clerk – Candy Smith