
SYCAMORE CITY COUNCIL – REGULAR MEETING
MINUTES OF FEBRUARY 16, 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, Rich Neubauer, Pete Paulsen, Chuck Stowe, and Gregory Taylor. Alderperson Darren Knuth was absent.

INVOCATION

Pastor William Mills of Bethel Assembly of God gave the invocation.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Mayor Mundy said there would be no Reports of Officers, except City Manager Nicklas' report, in order to gain time for testimony.

Motion

Alderperson Kessler moved to approve the agenda and Alderperson Adee 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

Mark Schwendau, CAD Technology instructor for Kishwaukee College, said he was there representing Kishwaukee College to recognize Career Technology Education Month.

Ken Andersen, DeKalb County Board representative, gave his yearly update to Council. He said the casino project in Shabbona is awaiting a decision from Washington DC; the board voted to keep the County campus in Sycamore until 2060; the Solid Waster committee recommended a new agreement with Waste Management to operate the DeKalb County Landfill; a federal lobbyist contract has been renewed; new bi-partisan rules were adopted to set up committees; still trying to figure out how to pay for more space for the County jail; a committee has been appointed to work on the expansion of the Courthouse; and a wind farm has been proposed for the Shabbona area.

Dan Marcinkowski, 403 E. Sycamore St., president of IAFF 3046, said on behalf of the firefighters he wanted to echo Mr. Nicklas' recommendation to approve the contract including the 10 tentative agreed items that were agreed to prior to mediation. He said the contract represents all the items contained in the arbitrator's rulings. He said they have been informed that the arbitrator's rulings are binding and currently in affect. He said the contract has been ratified by the union membership and awaits Council approval. He said that once the contract is approved by Council, the union has extended an offer to the City to sit down to discuss ways to aid in closing the projected deficit. He said that regardless of the decision tonight, the members of the firefighter's local pledge to continue to loyally serve the citizens of Sycamore to the best of their abilities.

Kurt Mathey, 322 E. Sycamore Street, said he was former President and negotiator for IAFF 3046. He said the City and the union went through a grueling negotiation and the City declared an impasse and requested arbitration. He said our members understood that the arbitrator's rulings were final. He said that the ruling

was based on the City's provided numbers up through November 2008. He said they are encouraged by Mr. Nicklas' recommendation to approve the contract and are excited at the possibility that this negotiation and arbitration be over. He said he wanted to explain about the wage chart. He said the chart shows that one firefighter worked 831 overtime hours above and beyond the 2588 they work. He said the firefighters averaged 594 overtime hours and the lieutenants averaged 447 overtime hours. He said early in the negotiations the firefighters had shown the City some numbers to alleviate some overtime by promoting and reinstating a swing-shift officer. He said they did that and saved overtime or the numbers on the chart would be greater. He said they do not need to cut firefighters they need to add more to save the overtime. He asked Council to approve the contract and then they could work with the City to reduce the deficit.

Peter Smith, attorney representing the petitioner for Ordinance 2008.74, annexation of the Walters/Cambier farm, said he would like the opportunity to answer questions and respond to any other presentations at the time of discussion.

CONSENT AGENDA

- A. Approval of the Minutes for the Regular City Council Meeting of February 2, 2009.
- B. Payment of the Bills for February 16, 2009 in the amount of \$539,036.75.
- C. Plan Commission Minutes for the Meeting of January 12, 2009.

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 7 - 0.

PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.

Mayor Mundy said Saturday he attended NIU's memorial service at the Convocation Center. He also noted a letter he had written as Liquor Commissioner in response to a meeting with several bar liquor license holders.

- A. Swearing-in new Police Sergeant Jeff Wig.

Police Chief Don Thomas explained that since Lt. Tom Scott retired in October they have reorganized the department to make it more efficient which created a sergeant position to be filled by Jeff Wig. He said that Sergeant Wig has been with Sycamore PD for eight years and served as patrol officer, school resource officer, and detective.

- B. Proclamation Declaring February 23, 2009 as "Rotary Day" in the City of Sycamore.

Jeff Jacobson, current Sycamore Rotary President, said the Sycamore club has held meetings at the Fargo on Wednesday at noon since 1944. He said recently they have donated \$25,000 to the Park District to improve parks, \$4,000 to the food pantry, and have funded scholarships at the local level.

REPORT OF OFFICERS

Manager – Bill Nicklas said he asked the Department Heads to forego their reports and said that the Treasurer's Report was at Council seats and suggested they call City Treasurer Brian Gregory if they had questions.

REPORT OF STANDING COMMITTEES

Finance – no report

Public Safety – no report

Public Works – Chairperson Stowe said they had a meeting earlier in the evening regarding placement of a sidewalk at 2212 Coltonville and they decided to hold over any action until May 1st to see if a solution can be worked out.

PUBLIC HEARING

A. Public Hearing on the Proposed Annexation of the Walters and Cambier Farms Located at the Northeast Corner of Brickville Road and Peace Road.

Mayor Mundy opened the hearing and with no public comment closed the hearing.

ORDINANCES

A. Ordinance No. 2008.73—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to a Petition to Vacate Hollnick Drive and to Resubdivide the Tsiagaldis Subdivision in the City of Sycamore, Illinois. First and Second Reading.

City Manager Nicklas said July 21, 2008 Council approved the rezoning of a portion of this parcel from C-2 to R-3. He said because the City has no interest in building Hollnick Drive the vacation of the public right-of-way will afford some additional space for parking and site work to address floodplain issues.

Aldersperson Neubauer asked if the part to vacate was on the north end of the property or in the middle and suggested this might be used for a future City bike path.

Mr. Nicklas said the part to vacate was on the north end of the property and said this section is not part of the City's bike path plan.

Aldersperson Neubauer asked why two Plan Commissioners voted against this.

Mr. Nicklas said he thought maybe they were concerned about how development could proceed with 7 units in such proximity to the floodplain, but they did not say why. He asked the engineer to expand on the IDNR permit.

Jim Sparber, Rempe-Sharpe and Associates, 324 W. State Street, Geneva, IL, explained that the floodplain issue is authorized under a statewide permit and does not require an actual written permit, but a blanket permit is provided. He said they felt they have concurred with that and this is an acceptable use of the floodplain and floodway.

Aldersperson Paulsen said the only concern he has heard is of the floodplain and it looks like this will be a positive affect on the floodplain.

Aldersperson Taylor said there is an existing floodplain and a proposed floodplain and asked how they could build a roadway.

Mr. Sparber said they are moving the storage, but providing at least as much storage.

Aldersperson Taylor asked if we had a flood would the people be trapped in the buildings.

Mr. Sparber said the depth of the water would be less than 1 foot which the residents would be able to drive through. He said this is a preliminary plan and mostly they are looking to vacate the right-of-way and to show that there is something that is viable on the property.

Aldersperson Neubauer asked about a 100-year flood.

Mr. Sparber said the 100-year flood would flood the 90-degree turn and the parking lots would be dry.

Motion

Aldersperson Paulsen moved to hear Ordinance 2008.73 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 7 - 0.

Motion

Aldersperson Paulsen moved to approve Ordinance 2008.73 and Aldersperson Neubauer seconded the motion.

Roll call vote

Mayor Mundy called for a roll call vote to approve the motion. Alderspersons, Bauer, Kessler, Neubauer, Paulsen, Stowe, Taylor, and Mayor Mundy voted aye with Aldersperson Adey voting nay. Motion carried 7-1.

B. Ordinance No. 2008.74—An Ordinance Concerning the Recommendation of the Plan Commission With Regard to a Petition to Annex Property at the Northeast Corner of Peace Road and Brickville Road and Rezone the Property to “R-2,” Two Family Residence District, Planned Unit Development, with a Special Use Permit for Single-Family Attached Dwellings and “R-3,” Multiple Family Residence District, Planned Unit Development with a Special Use Permit for an Assisted Living Facility and “R-1,” One Family Residence District in the City of Sycamore, Illinois. First Reading Only.

City Manager Nicklas said the proposal is a restricted senior living complex with an assisted senior living facility. He said the senior restriction must conform to federal and state guidelines. He said proposed are 144 duplex lots, the assisted living facility, a public park, bikepaths, and retention. He said the Plan Commission recommended the agreement unanimously and City staff supports their recommendation.

Aldersperson Taylor asked about sections 17.2 and 17.3 in the annexation agreement removing the limitation on the start date and allowing 40 units per year and stating that if a more restrictive pacing mechanism was enacted it would not apply to this development.

Mr. Nicklas explained that the main consideration for enacting pacing ordinance 2005.60 was to restrict the pace of building so it would restrict the pace of school-age children enrolling in school. He said that at this point the pace would reflect a number of seniors.

Aldersperson Taylor said that 17.2 suggests this development would not impact schools or public services, but he thought with the assisted living facility might generate a number of ambulance calls because the Grand Victorian assisted facility generates a number of ambulance calls.

Mr. Nicklas said that further into the background there is a breakdown of per capita sales tax, property tax, and use tax that would offset any City services. He said those residents will pay fees for Park District services.

Fire Chief Riddle said that Gracious Living Homes hardly generates any ambulance calls and the Grand Victorian generates about 1 ambulance call per week.

Aldersperson Neubauer asked if the language in the agreement that states “there will be a positive impact to tax revenues for all governmental bodies” should be changed to “there will not be a negative impact.”

Mr. Nicklas said the opinion is unusual to an annexation agreement and that could be struck. He said he did stand by the numbers in his background.

Aldersperson Neubauer asked if the language that impact fees paid at the time of permitting would be in addition to the land/cash contribution could be added to the annexation agreement.

Peter Smith, attorney for the petitioner, said that language would be added and is correct.

Aldersperson Stowe said he suggested at Plan Commission and asked Mr. Smith if they would add the language that would state if the senior status were removed, school impact fees would apply.

Mr. Smith said they would add that language.

Aldersperson Paulsen said he has had a lot of positive feed back for this development.

Mr. Nicklas said they will have a revised agreement prepared for the next meeting.

C. Ordinance No. 2008.76—An Ordinance Approving a Collective Bargaining Agreement Between the City of Sycamore and Local 3046 of the International Association of Firefighters. First and Second Reading.

Dan Faulhaber, 27551 Devine Way, said he was a concerned citizen and a fellow firefighter. He said that all the overtime hours look like dedicated employees working in those positions. He said the senior housing discussed earlier will create more ambulance calls. He said there are national standards to man suppression vehicles and the City is not following those as it is. He said maybe they should not have built the second station and should have hired more staff for the first station. He said he is concerned for the safety of his family if firefighters are laid off. He suggested raising taxes and dipping into the rainy day fund to make up the difference in order to keep our citizens safe.

City Manager Nicklas said the contract is a product of months of negotiations, mediation, and ultimately an arbitrator’s opinion. He said the proposal from the City Manager is to approve the contract as presented. He said the approval of the contract leaves the City in a position of some financial complications. He said the key economic aspect of the contract is the 3.75% increase and without offsetting or counter bailing before May 1, he would be obliged to ask Council to make tough decisions regarding personnel. He said that after cost-shifting of \$276,000 from the Public Works Department to the Water and Sewer Fund and salt purchase from the Public Works to the Motor Fuel Tax Fund and \$38,000 form Mayor/Council to the Hotel Motel Fund, there still remains a \$437,000 deficit including a 2% wage increase across the board. He said Council directed him to close the gap by using \$250,000 of the Hotel-Motel Fund reserves and just over \$80,000 from the General Fund reserve. He said that gap would be open again if the 3.75% is approved. He said he

would recommend the contract, but asked Council to let him formally request the Local to meet with him, Asst. City Manager/Treasurer Brian Gregory and Asst. Chief Kessler as soon as possible because the fire contract will have implications for the Fire Department budget. He said this is an extraordinary time with tough decisions to make and it is hard to know who to trust of the financial prognosticators. He said it will take true cooperation to achieve a balanced budget.

Mayor Mundy said this is an unusual situation and we are not unique. He said it might be best to leave this on first reading because it would be best if we could find middle ground.

Aldersperson Bauer said he had mixed thoughts because he would like to move forward for the best opportunity for a balanced budget, but on the other hand if this is locked in there will not be many choices to get a balanced budget. He said he would like to avoid layoffs and if two more weeks allows us to get to middle ground he would be okay with that. He said they need time to put the budget together.

Mr. Nicklas said the budget should be ready to print in about three weeks so it can be ready for Council and public review. Mr. Nicklas said they will have provisional numbers.

Aldersperson Taylor said after nine months of negotiations after some point this stopped being for the kids. He said this is about what the union can get and not about doing it for the kids. He said he did not want to approve the contract and then try to negotiate how to find money because once the contract is approved the discussion could end. He said the feedback he has received is that people are supportive of City services and workers and yet shocked the firefighters are paid so well. He said this is business and we are not going to do something that would create unsafe conditions, but there were nine months of negotiation and two of the unions were willing to work with the City and then there was one that wasn't. He said we are way past the do-it-for-the-kids-sake.

Aldersperson Paulsen said that nobody on Council wants to lay anybody off. He said a 2% increase in today's economy was generous, but 3.75% was not acceptable. He said they can take 2% or City Council is going to have to do what they have to do. He said if they have ideas to save money and are not discussing them it is not fair to the taxpayers.

Aldersperson Neubauer read the phrase from the arbitrator's ruling "the easy answer to the City's argument is that no Firefighter holds any kind of tenure with the City. A severe downturn presumptively can be remedied with appropriate manpower or other cuts." He said he did not find that any easy answer. He said he was not interested in laying people off, but there is more involved. He said the problem with raising taxes is it leaves less money for residents to pay their bills. He said if they take money out of the reserve that was intended to pay for a police station because they are very crowded is not fair either. He said last meeting they talked about giving AFSCME, FOP, and Management no increase, but he felt that a 2% increase across the board would be fair. He said he proposed that everybody get 2% and they do not lay anybody off.

Aldersperson Stowe said he has no objection to holding the vote for two weeks if everybody is willing to work together.

Mayor Mundy said there are 99 full-time employees and 82 of those are in a bargaining unit. He said the team approach works well and they work well together on the job. He appealed to everybody to look at this with a team approach. He suggested not letting something that is in our face right now destroy the spirit of cooperation.

RESOLUTIONS - None

CONSIDERATIONS

A. Consideration of an Administration Recommendation Regarding Bids for the Erection of an Elevated Water Storage Tower on the Former Engh Farm.

City Manager Nicklas explained that staff was still evaluating the bids and would make a recommendation at the next Council meeting.

B. Consideration of an Administration Request for Direction Regard a Three-Year Capital Plan.

City Manager Nicklas walked through the highlights of a three-year Capital plan as noted in the background as follows:

FY2010 Highlights (May 1, 2009 through April 30, 2010)

Total: \$12,484,525

- Street Maintenance Program: \$1,191,000. If the pace of revenue accrual in the new Street Maintenance Fund (Fund 30) improves, this number may be larger in FY10. The importance of starting earlier in the construction season also somewhat limits the fund's ability to accrue a larger balance prior to bid letting in FY2010.
- Partial Construction of Water Tower #2: \$2,500,000 (to be completed in October 2010).
- Phase II improvements at Treatment Plant: \$5,100,000.
- Final Surface on Peace Road Bike path: \$165,000.
- Vehicle and equipment replacement for operating departments (General Fund): \$315,625. These purchases are highlighted in light blue and are funded principally by the Capital Assistance Fund (Fund 6) whose main recurring source of income is home rule tax proceeds.

FY2011 Highlights (May 1, 2010 through April 30, 2011)

Total: \$7,617,900

- Street Maintenance Program: \$1,200,000.
- Completion of Water Tower #2: \$250,000.
- Phase II Improvements at Treatment Plant: \$5,540,000.
- Vehicle and equipment replacement for operating departments (General Fund): \$266,900. These purchases are highlighted in light blue and are funded principally by the Capital Assistance Fund (Fund 6) whose main recurring source of income is home rule tax proceeds.

FY2012 Highlights (May 1, 2011 through April 30, 2012)

Total: \$3,935,350.

- Street Maintenance Program: \$1,200,000.
- Phase II improvements at Treatment Plant: \$2,200,000.
- Vehicle and equipment replacement for operating departments (General Fund): \$293,750. These purchases are highlighted in light blue and are funded principally by the Capital Assistance Fund (Fund 6) whose main recurring source of income is home rule tax proceeds.

Mr. Nicklas said that all three years contain street maintenance programs. He noted that Phase I of the treatment plant improvement tackles the sledge dewatering problem and Phase II deals with expansion of the plant capacity. He said that John Brady, Sycamore Municipal Engineering, is pursuing a zero-interest loan from IEPA as part of the federal stimulus package. He said the new water tower and vehicles and computers were also highlighted.

Alderson Kessler said it looked like some of the capital items have been pushed forward.

Mr. Nicklas said if there is no color on the items on the capital plan pages then those items are not funded.

Alderson Kessler noted there have been other concessions by departments because of our shortfall.

Alderson Neubauer expressed his concern for Phase II of the Treatment Plant was the possibility of raising sewer fees by 30%. He said he has proposed moving out the Phase II project allowing us more time to collect sewer impact fees and sewer fees so the amount to the taxpayers is not so large. He asked if the zero-interest loan from the stimulus package could be used for Phase I.

Mr. Nicklas said it would be used for Phase I. He said raising sewer fees 30% is not a fact and that has not been discussed yet. He said the IEPA will require that we demonstrate how we are going to pay for the loan. He said that is about 2 years out and we have an opportunity this year to get into a very competitive race to establish our project as a top project for the IEPA. He said if we get a loan we will probably phase in sewer fee increases. He said we will find out and come back to Council probably in the next month.

Public Work Director Busse said they should get the design of Phase II in a year. He said this project was originally to be done in one phase, but has been broken down into two phases. He said our current facility has been extended far beyond the normal life of 20 years. He said if we can qualify for the zero-interest loan it is important to proceed with Phase II because it will be a benefit to the community.

Alderson Taylor asked if the City had looked at the vehicles that were being replaced because it seemed like that was something they could push forward.

Mr. Nicklas said they used to do that, but so much trade-in value was lost and maintenance cost increased that it is more efficient to rotate with new vehicles.

Police Chief Thomas said they are spending a lot of money replacing brakes and tie-rods on the 3 vehicles they are going to replace.

Alderson Taylor asked about the golf course ditch dredging and the Peace Road bikepath.

Mr. Nicklas said it was part of the City's responsibility in the Wiseman Hughes agreement to take the runoff that gets to the golf course to the river. He said it should be done while the ground is frozen and it has not been accomplished because we cannot get prices close to what our budget numbers require. He said the Peace Road bikepath has a number of drainage issues that require some design and then a second lift will need to be installed. Mr. Nicklas said this is an ambitious program that does not involve an increase in anybody's property tax. He said he will have some revisions for the budget review.

OTHER NEW BUSINESS - None

APPOINTMENTS - None

ADJOURNMENT

Motion

Aldersperson Stowe moved to adjourn the meeting at 8:56 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