
.SYCAMORE CITY COUNCIL – REGULAR MEETING
MINUTES OF MARCH 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, Darren Knuth, Rich Neubauer, Pete Paulsen, Chuck Stowe, and Gregory Taylor.

INVOCATION

Pastor Mike Massey of Glad Tidings Assembly of God gave the invocation.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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 8 - 0.

AUDIENCE TO VISITORS

Mayor Mundy introduced Eagle Scout Max Dargatz.

Max Dargatz said he was here with his parents and brother who helped support him throughout his life and his project. He said his Eagle Scout project was repainting and washing the pavilion at Elmwood Cemetery and took about 50 hours to complete.

Mike Fogelsanger, 845 Sunset Ln., said he was a candidate for the City Council in the 4th Ward and said with the serious budget difficulties he felt that the budget was full of needs and wants and he felt the City had spent too much on the wants and not enough on the needs and that was why they are in financial trouble now. He asked Council to take into consideration that he wanted a firefighter or a police officer well motivated, trained and equipped at 2:00 a.m.

Joyce Mathey thanked the City for their support for the Pay It Forward House at 719 Somonauk Street. She said it has been open for four years and provided over 4,600 nights of rest for those visiting patients in Kindred Hospital.

CONSENT AGENDA

- A. Approval of the Minutes for the Regular City Council Meeting of March 2, 2009.
- B. Payment of the Bills for March 16, 2009 in the amount of \$671,176.93.
- C. Plan Commission Minutes for the Meeting of February 9, 2009.

Motion

Alderperson Bauer moved to approve the Consent Agenda and Alderperson Neubauer seconded the motion.

Voice vote

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

PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.

Aldersperson Bauer said he noticed residents are placing yard waste on the parkway and said they would hopefully get the message that the City has no leaf pickup program in the spring.

Public Works Superintendent Busse said Waste Management's yard waste program starts the first of April.

REPORT OF OFFICERS

Manager – Bill Nicklas said he had distributed copies of his written status report on negotiations with IAFF Local 3046 and said that copies will be available in the Clerk's office. He said the annual Finance Committee review of the proposed City budget would be held Wednesday, March 18 at 7:00 p.m.

Engineer – John Brady, Sycamore Municipal Engineering, said he sent the contracts to Chicago Bridge & Iron for the elevated tank project and they are working on getting the thing put together with bond and insurance and those should be back in a week.

Building & Zoning – Lyle Doty – no report

Fire Chief – Bill Riddle said that storm season is approaching and the warning sirens are working, but encouraged residents to invest in weather radios.

Treasurer/Asst. City Manager – Brian Gregory said the Treasurer's report through February is at the 83.3% benchmark with revenues running at 82.52% and expenditures weighted with transfers are tracking at 81.75%. He said the 1% sales and use tax and the Home Rule tax are about 8% behind what is budgeted and that equates to \$270,161 for the 1% and the Home Rule is \$90,792. He said that income tax has been strong and interest income has been strong, but one investment is maturing tomorrow at 5.25% yield and we'll be lucky to get a quarter of that going forward. He said we received the final reimbursement from DeKalb and DeKalb County for the Bethany Road project that is in the Motor Fuel Tax Fund.

Police Chief – Don Thomas said that tomorrow is St. Patrick's Day and suggested not allowing anybody who has been over served behind the wheel and to drive defensively.

Public Works Director – Fred Busse clarified that overtime generated in the Public Works department is emergency based such as snow storms, storm cleanup, sewer backups, and watermain breaks. He said that when employees are out sick or on vacation there are no backup employees to cover for them. He also reported that the Harvestore Square project is nearly finished with the soil remediation completed and Public Works will begin backfilling the site tomorrow.

REPORT OF STANDING COMMITTEES

Finance – Chairperson Bauer said the budget meeting would be held Wednesday, March 18, 2009 at 7:00 pm.

Public Safety – no report

Public Works – no report

PUBLIC HEARING - None

ORDINANCES

A. Ordinance No. 2008.78--An Ordinance Concerning the Recommendation of the Plan Commission With Regard to a Petition to Amend Article 6.12.1H of the Unified Development Ordinance to Provide for Construction Site and Post Construction Site Runoff Control Measures for Construction Sites Greater Than One Acre in the City of Sycamore, Illinois. First and Second Reading.

City Manager Nicklas explained that the UDO has some out-dated language regarding storm water provisions and this amendment reflects the most up-to-date language for our development code.

Motion

Aldersperson Paulsen moved to hear Ordinance 2008.78 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 Paulsen moved to approve Ordinance 2008.78 and Aldersperson Stowe 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.

B. Ordinance No. 2008.79—An Ordinance Amending Title 3, “Business and License Regulations,” Chapter 2, “Liquor Control,” Section 3-2-6, “Classification of Licenses, Fees, Hours, and Days,” Section A.1 to Allow the Liquor Commissioner to Modify or Waive the Initial License Fee of the City Code of the City of Sycamore, Illinois. First and Second Reading.

Mayor Mundy said this is a result of a request of a former owner who would like to re-open his business under the same name and corporate authority with no changes to the corporate profile who has asked if the \$5,000 application fee could be waived. He said the intent in granting the Liquor Commissioner more flexibility is not to cost the City any money. He said the cost for backgrounds and the liquor hearing and court recorder will be recouped from the owner of the business as well as the annual license fee.

Aldersperson Neubauer said he supported the idea, but he suggested adding “after approval of Council” because down the road there is potential for abuse if the Liquor Commissioner can arbitrarily waive the license fee at his/her discretion.

Mayor Mundy said his point was well taken and that language would be added.

Aldersperson Bauer suggested that if they go out of business before five years, they would owe the City a pro-rated portion of the \$5,000.

City Manager Nicklas said they might want to hold this over for another meeting with all the language changes unless they felt that time was of the essence.

Mayor Mundy said that any business could fail at any time or they could change their mind and close down.

Alderson Bauer said he looked at it as similar to incentives to businesses.

Mayor Mundy said it would be up to Council, but Mr. Sisto is trying to get this business open in April and if possible Mayor Mundy said he would like to move this along. He said they could use the language suggested by Alderson Neubauer for this instance and revisit this to work on clawback language.

Alderson Stowe said he thought that the Liquor Commissioner's discretion could take care of any modifications and he said if a business failed after three years the City would be hard pressed to get any money.

Alderson Kessler said when a business was trying to re-open, they could look at a portion of the application fee based on the length of time a business had been closed.

Alderson Neubauer said they should take into consideration that the applicant paid the application once.

Mayor Mundy said this would not be a total nonpayment because they will pay the costs of the hearing.

Alderson Paulsen said he thought they were dealing with a one-time situation and did not think this would happen frequently. He said he thought they should waive the application fee for the returning business.

Mr. Nicklas suggested inserting the following language *"The Liquor Commissioner may with or without special conditions modify or waive the initial license fee at his/her discretion with the concurrence of the City Council."*

Motion

Alderson Paulsen moved to hear Ordinance 2008.79 as amended on first and second reading 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.

Motion

Alderson Paulsen moved to approve Ordinance 2008.79 as amended and Alderson Kessler seconded the motion.

Roll call vote

Mayor Mundy called for a roll call vote to approve the motion. Aldersons Adey, Bauer, Kessler, Knuth, Neubauer, Paulsen, Stowe, and Taylor voted aye. Motion carried 8 – 0.

RESOLUTIONS - None

CONSIDERATIONS

A. Consideration of the Preliminary FY2009-2010 City Budget.

City Manager Nicklas said this was simply an announcement and the budget meeting will be held March 18, 2009.

OTHER NEW BUSINESS

Mayor Mundy said in order to wrap up the discussion on the liquor application fee, he has calculated the costs to be in the neighborhood of \$500 for this business to regain their license, plus the annual license fee.

Motion

Aldersperson Stowe moved to concur with the Mayor's findings of \$500 for the initial fee for reapplication of the liquor license for ZaZa's and Aldersperson Taylor 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.

APPOINTMENTS - None

ADJOURNMENT

Motion

Aldersperson Stowe moved to adjourn the meeting at 7:43 p.m. 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.

Approve:

Mayor - Ken Mundy

Attest:

City Clerk – Candy Smith