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**SYCAMORE CITY COUNCIL – REGULAR MEETING**  
**MINUTES OF JUNE 1, 2009**

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**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: Alan Bauer, Steven Braser, Terry Kessler, Rich Neubauer, Pete Paulsen, Chuck Stowe, Gregory Taylor, and Janice Tripp.

**INVOCATION**

Pastor Steve Persson of the First Baptist Church gave the invocation.

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF AGENDA**

**Motion**

Alderperson Braser 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**

Mike Fogelsanger, 845 Sunset Ln., asked City Council to go through the budget to make a list of what could be cut. He said he thought the façade program could be shut down and that \$15,000 could be shifted some place else.

Josh Crittendon, one of the new owners of World Famous Pizza, said they were interested in a BYOB license and asked Council to consider granting them one. He said he talked to restaurant owners in other communities who have that type of license who said it worked well.

Peter Barick, 433 W. High St., expressed concern about using TIF dollars to demolish a building on South Avenue.

**CONSENT AGENDA**

- A. Approval of the Minutes for the Regular City Council Meeting of May 18, 2009.
- B. Payment of the Bills for June 1, 2009 in the amount of \$250,970.58.
- C. Zoning Board of Appeals Minutes for the Meeting of February 24, 2009.

**Motion**

Alderperson Bauer moved to approve the Consent Agenda and Alderperson Kessler 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.**

Alderperson Taylor said a constituent dropped their keys into a storm sewer and the City responded promptly to fish the keys out and that resident was very appreciative.

Aldersperson Kessler said she attended the welcome home celebration for the National Guard today that was well attended and filled with emotion.

Aldersperson Tripp said she received a complaint from a constituent regarding newspapers being delivered in driveways. She said this resident said he would not pick them up.

Mayor Mundy said the City addresses this and it subsides and then becomes problematic again.

City Manager Nicklas said this kind of thing could be taken care of outside the meeting.

Mayor Mundy said he spoke at the Armory along with the Captain and Chaplain in a brief ceremony before the Captain dismissed the troops to reunite with their families. He said that the Park District summer concert series will start Thursday and run through mid-July and noted that the Farmer's Market begins Sunday and runs through September.

A. Recognition of Gary Carlson for his 28 years of public service as a paid-on-call firefighter for the City of Sycamore, on the occasion of his retirement.

Chief Bill Riddle said the Department would miss POC Firefighter Carlson's knowledge and wisdom.

## **REPORT OF OFFICERS**

Manager – Bill Nicklas thanked the Police Department for helping to coordinate the escort this morning. He said the staff will have a proposal for the street maintenance program at the June 15 meeting. He said if that program is approved, the next day they would advertise for bids.

Engineer – John Brady, Sycamore Municipal Engineering, reported that the preliminary plan and final plat for the first phase for the Pappas property on Brickville Road are on the June Plan Commission agenda.

Building & Zoning – Lyle Doty requests Council concurrence on the Zoning Board of Appeals variance recommendations for 711 Elmwood and the DeKalb Clinic off-premises sign.

Fire Chief – Bill Riddle – no report.

Treasurer/Asst. City Manager – Brian Gregory said in the 180-day period of November 19, 2008 through May 17, 2009 there were no lost time claims, but right after that there was a lost time claim that was not very serious. He said compared to last year there were 4 lost time claims in that time period. He said the Safety Committee continues to meet every 4 to 6 weeks and gets the word out about how to work safely and works with the risk management agency to try to minimize our cost.

Acting Police Chief – Cary Singer – no report.

Public Works Director – Fred Busse reminded residents that it is a code violation to blow grass clippings onto the curb line and also noted that Public Works does not pick up landscape waste or tree trimmings. He said they only pick up limbs after a major wind storm.

Mayor Mundy said he had received a letter from the Woodgate Association regarding their street concerns and he responded by letting them know the plan would be out soon.

## REPORT OF STANDING COMMITTEES

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

**PUBLIC HEARING** - None

## ORDINANCES

**A. Ordinance No. 2009.13—An Ordinance Concerning the Recommendation of the Sycamore Zoning Board of Appeals With Regard to the Petition of Randall Forest for a Variance from Articles 3.2.2 and 3.2.3 of the Unified Development Ordinance In Order To Construct a Garage on a Non-Conforming Lot at 711 Elmwood Avenue in the City of Sycamore, Illinois. First and Second Reading.**

City Manager Nicklas explained that Mr. Forest would like to build a garage on the property and because it is a non-conforming lot he would need a variance from the UDO to allow that. He said the lot is typical in size for that historic area and because it was platted before 1996 is non-conforming to today's standards.

### **Motion**

Aldersperson Braser moved to hear Ordinance 2009.13 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 Braser moved to approve Ordinance 2009.13 and Aldersperson Neubauer seconded the motion.

Aldersperson Neubauer asked if the variance was required solely because the lot is too small.

Building Commissioner/Zoning Officer Lyle Doty said that was correct.

### **Roll call vote**

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

**B. Ordinance No. 2009.14—An Ordinance Concerning the Recommendation of the Sycamore Zoning Board of Appeals With Regard to the Petition of the DeKalb Clinic for a Variance from Article 6.8.4.N of the Unified Development Ordinance in Order To Construct an Off-Site Informational Sign at the Intersection of Gateway Drive and IL Rt. 23 in the City of Sycamore, Illinois. First and Second Reading.**

City Manager Nicklas said Alice Freier, DeKalb Clinic Administrator, was in the audience. He said there is an anomaly in the UDO that does not allow off-premise signs and some communities have certain exceptions for some commercial businesses. He said that at the staff level they would soon have a proposed amendment to our UDO to address this anomaly for Plan Commission and Council. He said until that happens having a variance granted would be the only way to deal with this.

**Motion**

Aldersperson Neubauer moved to hear Ordinance 2009.14 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 Stowe moved to approve Ordinance 2009.14 and Aldersperson Neubauer seconded the motion.

Aldersperson Paulsen said he was luke warm on off-site signs because he does not want this to become a city of signs along DeKalb Avenue. He said this looked like a temporary sign and asked if they could make sure it would be temporary.

Mr. Nicklas said that concern was shared by staff, but in this case this business is an urgent care facility which makes it a little more imperative that people make a good decision the first time rather than the second or third time.

Alice Freier, 226 Nichols Dr., said the Clinic has 12,000 patient visits in the course of a month and LeHan's Pharmacy is now part of the DeKalb Clinic building. She said that many of the patients are senior citizens who do not know where Dosen Drive is and their concern is to help patients find the Clinic and for safety on DeKalb Avenue which is a busy road.

Aldersperson Tripp asked if they wanted immediate care or urgent care printed on their sign.

Ms. Freier said that "walk-ins" will be on the sign.

Aldersperson Neubauer said that because of the type of service and the high traffic in that area he was all for the off-premise sign.

Aldersperson Taylor said he agreed with Aldersperson Paulsen in that he felt that future business developments need to plan their signage in advance.

**Roll call vote**

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

**C. Ordinance No. 2009.15—An Ordinance Awarding a TIF Grant of \$10,000 to Barb Retondo for the Demolition of a Vacant Structure at 345 South Avenue in the Amount of \$10,000. First and Second Reading.**

City Manager Nicklas explained that Ms. Retondo recently purchased the former G & G Electric property at 558 DeKalb Avenue which is L-shaped and wraps around to South Avenue. He said the demolition of the dilapidated house at 345 South Avenue would help to create another access point to the property which is used as a garden center with frontage on DeKalb Avenue. He said this qualified for TIF dollars if only to remove an unsafe structure which diminishes the EAV of the property, but will also help promote further redevelopment of the parcel.

**Motion**

Aldersperson Paulsen moved to hear Ordinance 2009.15 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 2009.15 and Aldersperson Neubauer seconded the motion.

Aldersperson Bauer asked what percentage of the total project the City covered for the property at Park Avenue and High Street for HVAC.

Mr. Nicklas said that TIF dollars funded 100% of certain features for the boiler and wiring which amounted to about \$24,000. He said the owner paid for other improvements that did not qualify for TIF dollars.

Barb Retondo, co-owner of Garden Market, said they came to Sycamore in 2001 and rented a small area of the G & G Electric property. She said they purchased the property in April 2009 with the old house that she has always felt was unsafe. She said she has encouraged customers drive in off DeKalb Avenue and to use South Avenue as an exit. She said that they could not take the house down without the City's help and they do bring in tax dollars \$10,000 of which went to the City as tax dollars. She said her husband liked the Mitsubishi place and she said the City helped them and they are gone and she did not ask for help and she is still here.

Aldersperson Paulsen said he got a tour of the property and it is beautiful and he thought they would continue with the beautification.

Aldersperson Tripp asked if they were going to fill it with gravel or dirt.

Ms. Retondo said the gravel was very expensive and they have not made a decision yet what they will do there.

Aldersperson Tripp suggested she make sure the sewer was capped properly.

Aldersperson Bauer asked if the City inspected the capping off of sewers.

Building Commissioner/Zoning Officer Lyle Doty said they do inspect that.

**Roll call vote**

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

**D. Ordinance No. 2009.16—An Ordinance Amending Title 3, “Business and License Regulations,” Chapter 2, Liquor Control,” Section 3-2-6, “Classification of Licenses, Fees, Hours, and Days,” of the City Code of the City of Sycamore, Illinois. First and Second Reading.**

City Manager Nicklas said the draft before Council addresses concerns regarding people bringing beer and wine into restaurants and according to the City Attorney this would be the way to amend the code to include provisions for a BYOB license.

Mayor Mundy said this would be the way to place regulations on the books and the intent is not to hinder businesses, but to address safety. He said the business owners have no interest in a liquor license. He suggested an application fee of \$500 to recover City costs and suggested the annual license be \$500.

Aldersperson Paulsen said he thought \$500 was too high because they are not selling liquor. He said that most of his constituent responses were in favor of this, but there were concerns about open containers, under-age drinking, and excessive drinking.

Mr. Nicklas said they did a lot of what if's at the staff level with Police Chief Thomas and Attorney Kevin Buick. He said the opened containers must be carried away in see-through containers. He said that Chief Thomas did not feel that this would add anything to our enforcement burden.

Aldersperson Taylor asked if they were planning entertainment or anything that would draw people in for a length of time and asked if the word meal should be defined.

Mayor Mundy said the State Code distinguishes what a meal is.

Matt Binder, co owner World Famous Pizza, said they want to be a restaurant not a bar. He said there is only seating for 16 inside and they were considering having some outdoor seating during summer months.

Josh Crittendon said this is simply a way to enjoy their pizza and said they do not want this to become a bar.

Aldersperson Stowe said he had a fear of over regulation and wondered why a license was required.

Mayor Mundy said there are communities that do not regulate this, but he felt this would set some standards.

Mr. Nicklas said that local enforcement is less severed than the state.

Aldersperson Neubauer asked if the businesses would be required to card patrons.

### **Motion**

Aldersperson Kessler moved to hear Ordinance 2009.16 on first and second reading 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 8 - 0.

### **Motion**

Aldersperson Kessler moved to approve Ordinance 2009.16 and Aldersperson Paulsen seconded the motion.

Aldersperson Neubauer recommended making the license fee \$25 annually.

Mr. Nicklas said the initial fee would be more than that to cover the cost of the hearing and court recorder.

Mayor Mundy said they should use the initial fee of \$500 to start this and he recommended \$500 annually and he was open for suggestions.

Aldersperson Braser said he was concerned about liability for the City.

Mayor Mundy said that liability would be assumed by the business.

Alderson Braser said that once we charge for a license there would be some City liability.

Mr. Nicklas said the City carries liability insurance and once we put our name on the license we are in on it, but we define the framework of the limits of our liability. He said he did not feel it added to our liability.

Alderson Kessler said the City would want to beware of the surrounding residential zoning if they want to open outdoor eating. She said the City should make sure they have the correct insurance and she did not feel this would be over-regulating.

Alderson Neubauer recommended the ordinance should note the initial fee and the annual license fee.

Council consensus was to charge \$500 for the application fee and \$50 for the annual license fee.

### **Amended Motion**

Alderson Taylor moved to amend the motion to have the application fee of \$500 and the annual license fee of \$50 included in the ordinance and Alderson Tripp seconded the motion.

### **Roll call vote**

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

### **Roll call vote (on original motion)**

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

**RESOLUTIONS** - None

## **CONSIDERATIONS**

### **A. Consideration of a Public Works Department Recommendation to Award a Contract for the Purchase of Two, ¾ Ton, Two-Wheel Drive Pickup Trucks in the Amount of \$40,194.00.**

City Manager Nicklas said that all three considerations were related. He said disappointingly that only one of the three bids has the state purchase price because the list of vehicles and equipment had not yet been completed. He said the lowest price was \$3,200 more than the City projected, but he recommended moving forward with this because although the first two items are a little over budget the third item shows some savings because Public Works is going to do some of the work.

### **Motion**

Alderson Stowe moved to award the contract to Anderson Rock River Road for \$40,194.00 and Alderson Neubauer seconded the motion.

### **Roll call vote**

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

### **B. Consideration of a Public Works Department Recommendation to Award a Contract for the Purchase of One, ¾ Ton, Four-Wheel Drive Pickup Truck with Plow in the Amount of \$27,830.00.**

City Manager Nicklas recommended awarding the contract to the lowest bidder.

Aldersperson Taylor said since this is an additional pickup and asked if this was necessary.

Public Works Director Busse said these trucks are used in the parking lots and this truck is needed to get the snow removed as efficiently as possible. He said the larger trucks cannot get into some areas.

Aldersperson Taylor said that Sycamore has not seen much expansion this past year and asked if this could be pushed off one year.

Mr. Nicklas said we get complaints that we are not getting to places in time for residents to get to work. He said this truck was not purchased last year and we have the money to purchase this truck this year and next year we may not have the money and we will not gain any ground on the basic services. He said he receives the calls and all he can tell people is that we'll get there when we can is not good service.

Aldersperson Tripp said she received an email regarding state purchasing, but she did not have time to look at it.

Public Works Director Busse said that email was regarding those items that were expiring. He said there is never a guarantee what will be available this summer and fall and the City's yellow school bus color request is not always available.

### **Motion**

Aldersperson Tripp moved to award the contract to Anderson Rock River Road in the amount of \$27,830.00 and Aldersperson Bauer seconded the motion.

Aldersperson Paulsen said he was disappointed there were no bids from local dealers.

Public Works Director Busse said the local Ford dealer did not have the price from Ford and the local Chevy dealer did bid. He said the local dealers were personally contacted.

### **Roll call vote**

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

### **C. Consideration of a Public Works Department Recommendation to Award a Contract for the Purchase of One, One-Ton, Two-Wheel Drive Pickup Cab and Chassis in the Amount of \$20,256.00.**

Aldersperson Bauer asked why the amount was \$20,256 and the amount was \$18,480 in the table.

Mr. Nicklas said the amount should be \$18,480.

### **Motion**

Aldersperson Bauer moved to award the contract to Badger Truck Center in the amount of \$18,480.00 and Aldersperson Paulsen seconded the motion.

**Roll call vote**

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

**D. Consideration of an Administration Request for a Closed Session to Discuss Personnel Matters.**

Mayor Mundy said there would be no Closed Session.

**OTHER NEW BUSINESS**

**APPOINTMENTS**

**ADJOURNMENT**

**Motion**

Aldersperson Stowe moved to adjourn the meeting at 8:45 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 8 - 0.

Approve:

\_\_\_\_\_  
Mayor - Ken Mundy

Attest:

\_\_\_\_\_  
City Clerk – Candy Smith