
**SYCAMORE CITY COUNCIL – REGULAR MEETING
MINUTES OF JULY 6, 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: Alan Bauer, Steven Braser, Rich Neubauer, Pete Paulsen, Chuck Stowe, Gregory Taylor, and Janice Tripp. Alderperson Terry Kessler was absent.

INVOCATION

Mayor Mundy asked for a moment of silent reflection.

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 7 - 0.

AUDIENCE TO VISITORS

Mike Fogelsanger, 845 Sunset Ln., expressed concern about renting space in a public building and competing with the private sector. He said it presented a conflict of interest because Council has the ability to change zoning, modify tax laws, and other benefits that could encourage them to stay within the City's property instead of moving elsewhere. He said he did not see anything in the Declaration of Independence, U.S. Constitution, or the Illinois Constitution about government owning property and renting it out.

CONSENT AGENDA

- A. Approval of the Minutes for the Regular City Council Meeting of June 15, 2009.
- B. Payment of the Bills for July 6, 2009 in the amount of \$2,155,810.27.

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 7 - 0.

PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.

Alderperson Paulsen said he, Alderperson Stowe, and Mayor Mundy had received a number of calls concerning traffic safety at the intersection of Plank and Lindgren Road. He said the County, School District, and City are working to make that intersection as safe as possible.

Mayor Mundy noted that this was the 6th anniversary of City Council meeting in this building. He said the City has brought back to life a building that had sat empty for two years and has brought foot traffic to the downtown. He said the City is a business taking care of the business of the people and the rental relationships have worked out well. He also noted there has been communication with the County and the

School District regarding traffic safety at the access to the new school. Mayor Mundy distributed a railroad safety document from the Union Pacific Railroad.

REPORT OF OFFICERS

Manager – Bill Nicklas said that of the 380 students enrolled in the new elementary school only 9 are not assigned to a bus route and those 9 live to the east of the school. He said that roadway will be realigned with federal assistance money, but we are awaiting an announcement by IDOT when those stimulus dollars will be released. He said the plans were ready last fall, funded by B & B Enterprises and reviewed by our engineering staff.

Engineer – John Brady, Sycamore Municipal Engineering, said June 18, 2009 six bids were received for the Waste Water Treatment Plant improvement project with a low bid from DJ Sickly at \$4,867,478. He said Council cannot act on this until we receive the loan/grant approval of the IEPA.

Building & Zoning – Lyle Doty said he is reviewing preliminary drawings for the Smart Motion Robotics building in Sycamore Prairie Business Park.

Fire Chief – Bill Riddle said one of the early casualties of the State budget that impact the fire service is the prevention fund which will affect the availability of the arson investigators, training reimbursements, and boiler inspections, tank inspections, and elevator inspections. He said those impacts may seem gradual but will fall back on municipalities and he suggested writing to state representatives. He also reminded residents that fireworks are dangerous and illegal and the Police Department is vigorously enforcing the law.

Treasurer/Asst. City Manager – Brian Gregory reported that just over \$45,000 was transferred to the School District from Transfer Tax Stamps for the second quarter. He said there were a total of 82 stamps, 34 of which were exempt. He noted that June was a little more optimistic than previous months with 35 stamps.

Police Chief – Don Thomas reported that applications were being accepted through July 31 to establish an eligibility list for police officers.

Assistant Public Works Director – Ebe Smith reported that work should start in the next two weeks on the new water tower at the Engh Farm site.

REPORT OF STANDING COMMITTEES

Finance – no report

Public Safety – no report

Public Works – no report

PUBLIC HEARING

A. Public Hearing on a Proposed Community Development Assistance Grant.

Connie Kraft, RAMP representative, said that RAMP is a non-profit organization that provides service and advocacies to people with disabilities and read the agenda background on the grant. She noted that RAMP has done a grant in Stephenson County three times and said they appreciate Sycamore stepping forward to help them help their consumers.

Hearing no further comment, Mayor Mundy closed the public hearing.

ORDINANCES

A. Ordinance No. 2009.20—An Ordinance Approving an Employment Agreement Between Police Chief Donald Thomas and the City of Sycamore, Illinois. First and Second Reading.

City Manager Nicklas said that Don Thomas has been Police Chief since 2001 and he runs a first class department and has brought solid leadership to the department and we are lucky to have him.

Motion

Aldersperson Bauer moved to hear Ordinance 2009.20 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 7 - 0.

Motion

Aldersperson Paulsen moved to approve Ordinance 2009.20 and Aldersperson Stowe seconded the motion.

Roll call vote

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

B. Ordinance No. 2009.21--An Ordinance Approving a Lease Agreement Between the City of Sycamore and B&B Enterprises for Suite 302 in the Sycamore Center. First and Second Reading.

City Manager Nicklas listed the terms of the proposed lease that were in the background as follows:

- Possession as of July 15;
- A base rent of \$12,000 per year, including utilities. The tenant has proposed to pay the entire base rent in advance.
- The tenant is responsible for a pro-rate share of the property tax that will be due on the taxable portion of the land and building (see Paragraph 5).
- The tenant shall pay for the appropriate property, casualty and liability insurance for the leased premises (see Paragraph 20).

Aldersperson Neubauer said he had concerns that this would grant B & B unprecedented access to decision makers over any other developer. He said this would be taking more than the \$10,000 from a vendor as noted in the economic interest statement. He asked Council to hear this on first reading in order to have time to discuss it with constituents.

Mr. Nicklas said that as far as unprecedented access, he rarely sees the people in Suite 301 and now most people communicate through cell phones and email and anybody has access to City staff. He said that nobody on Council is an official with B & B Development so there is no conflict there and B & B pays hundreds of thousands of dollars in property tax.

Aldersperson Neubauer said he was more concerned with appearance than with reality. He said they might decide to eat lunch together because of the proximity and how would that look to other developers. He asked that this remain on first reading.

Mr. Nicklas said that familiarity in a small town was commonplace and said that later in the agenda Curran Contracting is the low bidder and may go to church with those awarding the bid. He said that is where integrity and competence come in.

Aldersperson Taylor asked Aldersperson Neubauer if the printer in the building should be asked to leave because other printing companies might feel like they have an unfair advantage. He said there is office space to rent and it does not make a whole lot of difference who would be coming in as long as they are good tenants and pay the rent.

Aldersperson Neubauer said the difference is that they are not doing millions of dollars of business with the City.

Mr. Nicklas asked Mr. Neubauer what business the City was doing with B & B right now. He said B & B buys private property and they develop and sell lots. He said they have given a lot of land to the City, but we are not in business with them and never have been.

Aldersperson Paulsen said that having them in town servicing their interest would be good for residents in their subdivisions. He also said he felt the City has professionals running the City and he trusts their judgment.

Aldersperson Bauer asked if there was anything at stake regarding July 15 that would put B & B at a disadvantage at their Wasco location.

Charlie Blood, B & B representative, said they are supposed to be out of the Wasco office by August 1 and he did not realize they would drag controversy along with them. He said they have been working with Mr. Nicklas for that past couple of weeks and this is a good location and the right size and they did not think there would be any issues. He said they would like to know one way or the other tonight.

Aldersperson Tripp said people were screaming at the City when we bought the building and we wanted to rent part of it out to keep part of it on the tax rolls. She said she does not think this will give better access to Council or the City Manager or the Mayor.

Mayor Mundy said there are protocols for development proposals and nobody gets better access than anybody else. He said it is a small community and all are given equal access.

Motion

Aldersperson Bauer moved to hear Ordinance 2009.21 on first and second reading and Aldersperson Paulsen seconded the motion.

Aldersperson Neubauer asked the City Manager or Mayor to fire off an email to Mr. Krpan, Mr. Pappas, Inland Corp. to ask if they had any objections to this.

Voice vote

Mayor Mundy called for a voice vote to approve the motion. Six Alderspersons voted aye with Aldersperson Neubauer voting nay. Motion carried 6 - 1.

Motion

Aldersperson Paulsen moved to approve Ordinance 2009.21 and Aldersperson Taylor seconded the motion.

Aldersperson Bauer asked what rent was charged to the previous tenants.

Mr. Nicklas said it was a little south of this and was about \$750/month plus utilities.

Roll call vote

Mayor Mundy called for a roll call vote to approve the motion. Alderspersons Bauer, Braser, Paulsen, Stowe, Taylor, and Tripp voted aye with Aldersperson Neubauer voting nay. Motion carried 6 – 1.

C. Ordinance No. 2009.22—An Ordinance Approving a Collective Bargaining Agreement Between the City of Sycamore and the Illinois Fraternal Order of Police Labor Council, Representing F.O.P. Lodge No. 133. First and Second Reading.

City Manager Nicklas listed the key terms of the agreement as noted in the background as:

- The three-year term begins on May 1, 2009 and extends through April 30, 2012.
- In Year One (May 1, 2009 through April 30, 2010), the membership of Lodge 133 will receive a 2% wage increase.
- In Year Two (May 1, 2010 through April 30, 2011), the membership will receive a 2% wage increase on May 1, 2010 and a 2% wage increase on November 1, 2010.
- In Year Three (May 1, 2011 through April 30, 2012), the membership will receive a 2% wage increase on May 1, 2011 and a 2% wage increase on November 1, 2011.
- The grievance procedure has been revised. Disciplinary action can be appealed through the Fire and Police Commission or the grievance process, but not both. Any grievance filed as a result of a suspension exceeding five days or termination shall be initiated at Step 3 (City Manager). Following a denial of any grievance at Step 3, the grievance shall be appealed through the arbitration process. To date, grievances arising from disciplinary action have been heard by the Fire and Police Commission. Recent arbitration rulings have made it likely that the City's grievance procedures concerning grievances in excess of five days would be overturned if brought to an arbitrator.

He noted that the negotiations with the Labor Council and the Lodge 133 negotiating team were constructive from beginning to end. He said that both parties were aware of the depressed economic climate and worked cooperatively.

Motion

Aldersperson Neubauer moved to hear Ordinance 2009.22 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 7 - 0.

Motion

Aldersperson Paulsen moved to approve Ordinance 2009.22 and Aldersperson Neubauer seconded the motion.

Roll call vote

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

D. Ordinance No. 2009.23—An Ordinance Concerning the Recommendation of the Sycamore Zoning Board of Appeals With Regard to the Petition of Scott Hayes of 326 Grant Street

for a Variance from Articles 3.3.2.A and 6.2.1.D.4.a of the City of Sycamore’s Unified Development Ordinance. First and Second Reading.

City Manager Nicklas said Council has seen a pattern in the past six to eight months of increased activity in the Zoning Board and it seems like a good sign that people are upgrading older properties. He said in this case the owner would like to tear down a dilapidated garage and rebuild it on the original foundation on a legal, non-conforming lot. He said the Zoning Board of Appeals recommended 4-0 the Council’s approval of the proposed variance.

Motion

Aldersperson Taylor moved to hear Ordinance 2009.23 on first and second reading and Aldersperson Tripp 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 Taylor moved to approve Ordinance 2009.23 and Aldersperson Tripp seconded the motion.

Roll call vote

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

E. Ordinance No. 2009.24—An Ordinance Requesting the Permission of the Illinois Department of Transportation to Close IL Route 64 from Main Street to Sacramento Street from 6:00 A.M. Until 4:00 P.M. on Sunday, July 26, 2009 To Allow the “Turning Back Time” Car Show in the City of Sycamore, Illinois. First and Second Reading.

Motion

Aldersperson Paulsen moved to hear Ordinance 2009.24 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 2009.24 and Aldersperson Taylor seconded the motion.

Roll call vote

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

RESOLUTIONS

A. Resolution No. 521—Supporting a Grant Application to the State of Illinois Community Development Assistance Program.

Motion

Aldersperson Stowe moved to approve Resolution 521 and Aldersperson Paulsen seconded the motion.

Roll call vote

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

B. Resolution No. 522—Awarding the Contract for the 2009 Street Maintenance Program.

City Manager Nicklas said that he felt that there was enough to cover the base contract and a few contingencies that might arise and recommended the low bid of \$920,713.40 from Curran Contracting Company.

Motion

Alderson Bauer moved to approve Resolution 522 awarding the bid to Curran Contracting Company for \$920,713.40 and Alderson Taylor seconded the motion.

Alderson Neubauer asked about the estimate of \$1,152,000.

Mr. Nicklas said the difference is the amount coming out of the MFT Fund.

Alderson Tripp asked if they could put in a change order to delete a street if they came across anything unforeseen.

Mr. Nicklas said the base contract is awarded and it is not the contractor's problem so there is a limit to what we can do and usually we have to make some adjustments. He said that usually these contractors that bid our street maintenance jobs year-in and year-out want to continue to bid them are not too fussy if they get \$15,000 more in one area and we have to diminish something in another area. He said our Public Works and Engineering departments are adept at keeping costs down.

Roll call vote

Mayor Mundy called for a roll call vote to approve the motion. Aldersons Bauer, Braser, Neubauer, Paulsen, Stowe, Taylor, and Tripp voted aye. Motion carried 7 – 0.

CONSIDERATIONS

A. Consideration of a Public Works Department Recommendation to Purchase a Single Axle Dump Truck Cab and Chassis.

City Manager Nicklas explained that the State Purchase bidder had the lowest bid, but because the delivery of the truck would be delayed Public Works Director Busse has recommended awarding the bid to Chicago International Truck Sales for \$58,111.08 which is \$457.08 higher than the lowest bid.

Alderson Taylor asked if this was the last of the fleet purchases for the year.

Mr. Nicklas said the Fire Department's Jeep command vehicle was scheduled to be replaced.

Assistant Public Works Director Ebe Smith said that this was the final vehicle for Public Works this year.

Motion

Alderson Stowe moved to award the bid to Chicago International Truck Sales for \$58,111.08 and Alderson Bauer seconded the motion.

Roll call vote

Mayor Mundy called for a roll call vote to approve the motion. Aldersons Bauer, Braser, Neubauer, Paulsen, Stowe, Taylor, and Tripp voted aye. Motion carried 7 – 0.

B. Consideration of a Public Works Department Recommendation to Purchase Equipment for Outfitting the Single Axle Truck Cab and Chassis.

City Manager Nicklas said this was the equipment for the truck in the previous item. He said the equipment includes a “pre-wet system” that is designed to add liquid calcium chloride or sodium chloride to the salt before it is spread to provide better results on surfaces in below-zero temperatures when salt is not effective.

Motion

Aldersperson Paulsen moved to award the bid to Monroe Truck for \$47,560.00 and Aldersperson Neubauer seconded the motion.

Roll call vote

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

OTHER NEW BUSINESS

APPOINTMENTS

ADJOURNMENT

Motion

Aldersperson Stowe moved to adjourn the meeting at 8:10 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