
**SYCAMORE CITY COUNCIL – REGULAR MEETING
MINUTES OF MARCH 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: Alan Bauer, Terry Kessler, Darren Knuth, Rich Neubauer, Pete Paulsen, Chuck Stowe, and Gregory Taylor. Alderperson Grace Adee was absent.

INVOCATION

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

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Mayor Mundy moved Ordinance 2008.77 to before 2008.76 and requested a Closed Session to discuss collective bargaining.

Motion

Alderperson Bauer moved to approve the agenda as amended 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 7 - 0.

AUDIENCE TO VISITORS

Dale Berry said he is legal counsel for the firefighter's union. He said they understand Council's deliberations with respect to the arbitration award issued by Arbitrator Hill are considering the financial situation that they certainly all recognize exists. He said they would like Council to appreciate that there are issues beyond simply how the economy is doing nationally. He said their primary concern is that they have contractual rights and statutory rights which cannot be ignored. He said they have a vested interest in terms of protecting those rights. He said they understand the City Manager has given Council two options – to affirm the arbitrator's award or to reject the award. He said they think the better course of action is to affirm the award because there are a couple of facts Council should be aware of. He said first of all the City invoked the arbitration process and the arbitrator was suggested by the City. He said they understand the City does not like the result, but they are the facts. He said if the City rejects the arbitrator's award the supplementary process is a very expensive process and the City would not necessarily get to change their seeking. He said they have an alternative proposal that validates the integrity of the process and addresses the economic issue. He said the primary issue is the second year wage increase of 3.75% and the union is prepared to defer that increase. He emphasized that defer did not mean eliminate - it meant to postpone to a later date and validates the fact that the award was made in their favor and they could ultimately collect and the City could view it as an interest-free loan. He said the firefighters are an essential service and they expect the same respect the electric company receives. He said there were three provisions of the act Council should fully understand in terms of rejection which are 14N that gives the right to reject, 14O states you must return to the arbitrator within 30 days for supplemental proceeding which is designed to discourage that and he did not think there had been any rejections on economic issues and the City would have to pay the full cost of everything including his attorney fees, and 14L provides that during the supplemental

proceedings all existing wages, hours, and conditions of employment must be maintained. He asked Council to give serious consideration to Option A.

Peter Smith, attorney representing petitioner for Ordinances 2008.74 and 2008.75, said he and petitioner John Pappas would be available for questions when they come to that matter in the agenda.

CONSENT AGENDA

- A. Approval of the Minutes for the Regular City Council Meeting of February 16, 2009.
- B. Payment of the Bills for March 2, 2009 in the amount of \$2,893,436.32.

Motion

Aldersperson Bauer moved to approve the Consent Agenda with a change to page 4 of the minutes to remove Knuth's name from the vote 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 7 - 0.

PRESENTATION OF PETITIONS, COMMUNICATIONS, AND BILLS.

REPORT OF OFFICERS

Manager – Bill Nicklas said the first draft of the FY10 budget is in the proofing stage and will be ready for printing at the end of the week. He said he would have copies available in time for Council to review before the Finance Committee meeting March 18, 2009.

Engineer – John Brady, Sycamore Municipal Engineering, reported that the bid date for the Waste Water Treatment Plant improvements has been moved to April 14, 2009 in order to be eligible for the loan program.

Building & Zoning – Lyle Doty said his department has given permission to the Sycamore Historical Society to begin dry walling at the Engh Farm.

Fire Chief – Bill Riddle said March is Red Cross month and as a Board Member of the DeKalb County Chapter he said they are in need of volunteers and contributions. He said their mission is to communicate with military people in the field to notify of family illness or death in the family and also they provide emergency shelter locally for natural disaster victims.

Treasurer/Asst. City Manager – Brian Gregory noted that the DOW was down nearly 300 points today and down about 1187 points since the last Council meeting. He said it is imperative that we shop locally to support local businesses during this recession. He said there are 105 participants in the direct debit program for water bill payment.

Acting Police Chief – Cary Singer noted that Chief Thomas, Lt. Johnson, and Sgt. Anderson were attending an ILEAS conference in Springfield.

Public Works Director – Fred Busse said they have received the request letter for our salt requirements for next year. He said the window has been shortened to get the requests completed to allow for a better bidding process and hopefully better prices.

Public Works Asst. Dir. – Ebe Smith read the letter from the Department of Public Health recognizing the Water Division for perfect compliance for 2008 for water fluoridation. He said this is the Water Division’s 8th straight year of receiving the award.

REPORT OF STANDING COMMITTEES

Finance – Chairperson Bauer scheduled a Finance Committee meeting March 18, 2009 to discuss the FY10 budget.

Public Safety – no report

Public Works – no report

PUBLIC HEARING - None

ORDINANCES

A. 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. Second Reading.

City Manager Nicklas said he had referenced changes Council suggested at the last meeting in his background. He noted a handout at their desks referring to Section 16.3 of the annexation agreement that reads as follows: “Section 16.3. The developer will comply with the UDO requirements for Park land/cash donations (section 6.11.2), as amended from time to time. In addition, any and all Park District impact fees which may be enacted by the City in the future shall be applicable to the subject property and shall be due and payable in cash at the time a building permit is issued for each residential lot, without regard to any land/cash contributions which may have been paid by the developer pursuant to Section 6.11.2 of the UDO.” He said he had attached that same paragraph with revisions made by Attorney Peter Smith and asked him to explain those revisions.

Peter Smith, attorney for the petitioner, said he did not think there was any disagreement with regard to intent; he said he felt they were “wordsmithing.” He said they are looking to avoid a double tax and to avoid retroactive application. He said he thought they could remove the words “in addition” and it would not change the meaning at all. He said he put in the words amended to state positively that anything amended would be prospective only.

Mr. Nicklas said in this case he thought Council would think the words “in addition” were paramount. He said this is about park development, so the developer will pay once up front and then the builder or owner will pay another share incrementally as the buildings are permitted.

Mr. Smith said the difficulty is that where the sentence ends with “in addition” it refers only to future impact fees instead of present impact fees as well. He said he was willing to whatever would do it right to state the intent and suggested “which may be presently enacted or be enacted in the future.”

City Attorney Keith Foster said there are no currently enacted impact fees that Mr. Smith referred to and that is why “in addition” was put in there.

Mr. Smith asked if they could add “would be applied only prospectively” because that is basically the law.

Mr. Foster said that is the law.

Mr. Smith said if Mr. Foster agreed that was the law and it is on the record he would be fine with the existing language.

Mr. Nicklas said he recommended Council approval with the changes in the background.

Motion

Aldersperson Stowe moved to approve Ordinance 2008.74 and Aldersperson Kessler seconded the motion.

Aldersperson Neubauer pointed out that was the first annexation agreement that he has seen that does not run afoul of the growth referendum, gives the Park District dirt and the money to develop the dirt, and does not pose a liability to the School District. He said this is the first annexation agreement he has seen that pays for itself and he intends to vote in favor of it.

Roll call vote

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

Mayor Mundy thanked Mr. Pappas for his ongoing interest and support and investment in the City of Sycamore.

John Pappas said he would make sure that local contractors work on the project.

B. Ordinance No. 2008.75—An Ordinance Annexing a 94.95-Acre Parcel Located at the Northeast Corner of the Intersection of Brickville Road and Peace Road in the City of Sycamore, Illinois. First and Second Reading.

Motion

Aldersperson Paulsen moved to hear Ordinance 2008.75 on first and second reading 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 7 - 0.

Motion

Aldersperson Paulsen moved to approve Ordinance 2008.75 and Aldersperson Stowe seconded the motion.

Roll call vote

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

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. Second Reading.

City Manager Nicklas noted that the contract draft in the background was not the contract that was proposed for review at the last regular meeting. He said that this draft is his understanding of what the on-again-off-again discussions held in the last two weeks might lead to pending debate and ratification by IAFF Local 3046. He said proposed in the contract were second year 2% wage increase, third year 1 ¾% wage increase, complete re-opener other than wages in year three, approval of all tentative agreements arrived at in negotiations over the past year, and no current IAFF positions will be lost to attritions through April 30, 2011. He said there was a Memorandum of Understanding that was intended to address the fact that even if the arbitrator's award stands after a supplemental hearing it is out there as public record and if the two parties were going to arrive at a negotiated settlement something had to be done to address the fact that there might be contradictory terms. He said the MOU was intended to bridge that possibility of confusion. He said it is his understanding tonight that these terms were not acceptable to Local 3046 according to Mr. Berry who offered a new suggestion of the prospect of a loan. He said he appreciated the suggestion, but in our case it would pose fiduciary problems by making a loan of indeterminate amount for an indefinite period to be commenced at an unknown future time. He said that would not sit well with the City's bond holders. He said there is not an agreement on a contract that would supplement where we are now on an existing contract. He asked Council to proceed to support the City Attorney's dissent to the arbitration panel's award as it relates to the wages and the EMT bonus. He said this action will need a 3/5 vote and the reason for contesting the award would be the changed economic circumstances which the arbitrator identified as one possible reason for contesting the award. He said the circumstances have dramatically changed and not just nationally and internationally, but locally we have seen stories in the local press of layoffs and all this is having an affect on our budget. He said the outcome of a supplemental hearing is up in the air, but what is very clear is the consequence of the current award and that is that 2 firefighters will be laid off May 1, 2009. He said he would like all parties to work together to avoid that. He asked Council to reject the arbitrator's award.

Aldersperson Kessler said she is married to the Assistant Fire Chief and the fire service has been part of their family for that past 24 years. She said the firefighters work overtime not because they are greedy, but to cover quarters because of vacations, injuries, and or callbacks. She said she is sure as in any profession there are a few that are looking out for their own interest, but she did not think that was the overall opinion of the firefighters. She said she was biased to the Fire Department, but the other part of her is the 4th Ward representative that has been elected to do the peoples' business and it is to that charge that she has to honor and make her decisions.

Motion

Aldersperson Kessler moved to reject the arbitrator panel's award as it relates to the issue of wages and the EMT/Paramedic bonus and Aldersperson Taylor seconded the motion.

Roll call vote

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

D. Ordinance No. 2008.77—An Ordinance Concerning the Recommendation of the Zoning Board of Appeals With Regard to the Petition of Norm Adshade at 224 Charles Street for a Variance from Article 3.2.2 of the Unified Development Ordinance in the City of Sycamore, Illinois. First and Second Reading.

City Manager Nicklas said the petitioner owns a house on a non-conforming sized lot and would like to build a 1 ½-car garage. He said the Zoning Board recommended with a vote of 5 – 0 approval of the variance.

Motion

Aldersperson Bauer moved to hear Ordinance 2008.77 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 7 - 0.

Motion

Aldersperson Bauer moved to approve Ordinance 2008.77 and Aldersperson Paulsen seconded the motion.

Roll call vote

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

RESOLUTIONS

A. Resolution No. 515—Authorizing a Representative to Sign Loan Documents From the Illinois Water Pollution Control Revolving Fund.

City Manager Nicklas explained that usually he would give Council more time to review a loan, but the federal government is moving quickly to put money into the states for a variety of projects and one particular focus of the stimulus legislation are wastewater treatment plants. He said the largest capital expenditure this year and in years to come are improvements to our wastewater treatment plant. He said these resolutions are part of the federal government requirements for the zero-interest loan.

Motion

Aldersperson Stowe moved to approve Resolutions 515, 516, and 517 in omnibus fashion and Aldersperson Paulsen seconded the motion.

Roll call vote

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

B. Resolution No. 516—Resolution of Intent Regarding National Flood Insurance With Respect to Loans From the Illinois Water Pollution Control Revolving Fund.

C. Resolution No. 517—Authorizing a Certification Regarding Project Performance Standards With Respect to Loans From the Illinois Water Pollution Control Revolving Fund.

Motion

Aldersperson Neubauer moved to approve Resolutions 515, 516, and 517 and Aldersperson Paulsen seconded the motion.

Roll call vote

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

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 recommended to award to Chicago Bridge and Iron of Bolingbrook, IL for \$2,990,000 for the 1.5 million gallon steel elevated tank.

Motion

Aldersperson Bauer moved to award the bid to Chicago Bridge and Iron for \$2,990,000 for the 1.5 million gallon steel elevated tank and Aldersperson Paulsen seconded the motion.

Aldersperson Neubauer asked why they were spending the extra \$600,000 for the larger tank.

Mr. Nicklas said the larger tanks allows for the closing of the other tower for cleaning and repair.

Aldersperson Taylor asked what size tower was out for bid originally.

Mr. Nicklas said the same four options were bad at that time, too.

Assistant Public Works Director Smith said the city pumps 1.8 million gallon per day and this provides a little leeway to have some storage.

Aldersperson Paulsen said he has seen some other communities with cell towers on top of water towers and suggested that might provide some revenue.

Mr. Nicklas said the tank would accommodate that.

Roll call vote

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

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

Motion

Aldersperson Paulsen moved to go into Closed Session at 8:10 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 7 - 0.

Motion

Aldersperson Taylor moved to return to Open Session at 8:30 p.m. and Aldersperson Knuth seconded the motion.

Voice vote

Mayor Mundy called for a voice vote to approve the motion. All Alderspersons voted aye. Motion carried 7 - 0.

OTHER NEW BUSINESS - None

APPOINTMENTS - None

ADJOURNMENT

Motion

Aldersperson Stowe moved to adjourn the meeting at 8:30 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