

TOWN OF CORTLAND

Cortland Town Hall
1909 Somonauk
Cortland IL. 60112

**BOARD OF TRUSTEES
SPECIAL MEETING**

January 30, 2006
7:00 P.M.

Call to Order/Pledge of Allegiance/Roll Call

Mayor Seyller called the special meeting to order at 7:03 p.m. Roll call was taken by Rita Nielsen, Deputy Clerk, showed as present Trustees Chuck Lanning, David Liddick (7:10 pm), Shawn McAllister, Randy Reiter, Dan Milroy, and Mike Siewierski. Quorum was present. Also present were Mick Gronewold of Fehr-Graham, Walter Magdziarz, Zoning Administrator and Stewart Diamond, Town Attorney

Agenda

Trustee Lanning moved and Trustee Siewierski seconded a motion to approve the Agenda. Unanimous voice vote carried the motion.

Sheaffer Agreement

Mayor Seyller introduced Mr. Stewart Diamond. Mr. Diamond explained that after many months of negotiations with developers and Sheaffer International he was satisfied that the Facility Management Agreement and the Facility Construction Agreement, with some changes, subject to final review by the Board, the Agreements dated January 30, 2006 are ready for discussion and possibly approval. Mr. Diamond explained that in order for Agreements to be binding the SSA must be approved, bonds have to be sold, Beeh Engineering gives favorable opinion of approval on the system, and a letter is sent to Sheaffer International with the Town's intent to execute agreements.

Mr. Diamond reviewed the Agreements and pointed out the deletions and additions to the revised contracts. After discussion by Trustees regarding the Facility Construction Agreement the following changes are to be made: under Compensation Section on page 3, d.iii, (Surety Bonds change so that only SIL provides Surety Bonds and not the sub-contractors. 3, 2A The Purchase Price, the following language will be added: \$15,050,000.00 (purchase price) and the purchase price should be good through March 31, 2006. After discussion and concerns by Trustees regarding the Facilities Management Agreement (Warranty) on page 5, #5 a, iii, the following language will be added: SIL is the agent under contract. Cortland Trustees would also like language that states SIL will train Cortland staff in the operations and maintenance of system during first 6 months of operation.

Trustee Lanning moved and Trustee Liddick seconded a motion to authorize the Mayor and Clerk to execute the Facility Construction Agreement and Facility Management Agreement with Sheaffer International (SIL), in both cases, subject to approval of final text of Agreements dated January 30, 2006 with the purchase price of \$15,050,000.00 with this price being good through March 31, 2006, and to waive competitive bidding.
Roll call:

Ayes: Trustees, R. Reiter, D. Milroy, S. McAllister, D. Liddick, C. Lanning
M. Siewierski

Nays: None

Absent: None

6-ayes; 0-nays; 0-absent

Motion Carried

A Resolution Supporting the Concept Plan for a Mixed Use Development by Eagle Homes (Hudgins Property)

Mr. Diamond explained that the Concept Plan has been seen by and recommended by the Planning Commission, however, Mr. Diamond and Mayor Seyller along with Town Consultants have been in talks with the City of DeKalb. The City of DeKalb has an Avigation Easement which states that the applicant not erect, permit the erection or growth of, or permit or suffer to remain on the subject property any structure, building, tree or other object with the Avigation Easement. Mr. Magdziarz submitted to the table changes to the original Resolution seen by the Board that states that the owners shall also comply with any other mandated conditions reflecting the proximity of the property to the DeKalb-Taylor Airport. The Resolution also instructs the owner that development of the property is predicated upon providing a suitable amount of wastewater irrigation land on/or off-site along with a preliminary subdivision plat and that the property is not currently contiguous to the Town nor has the Town made plans to provide utility services. Mr. Diamond explained that in passing the Resolution the Board is only agreeing that Town staff and its consultants are allowed to continue to discuss the process of annexation of the property to the Town but does not reflect a commitment to do so and it adequately protects both the Town and Eagle Homes.

Mr. Magdziarz read into the record the first reading A Resolution Supporting the Concept Plan for a Mixed Use Development by Eagle Homes (Hudgins Property). Trustee Reiter and Trustee Lanning seconded a motion to accept the first reading. Unanimous voice vote carried the motion.

Trustee Reiter moved and Trustee Lanning seconded a motion to approve A Resolution Supporting the Concept Plan for a Mixed Use Development by Eagle Homes (Hudgins Property).

Trustee McAllister stated that he is concerned about building a development so close to the airport and would not support a final plat that shows homes in the way of aircraft.

Roll call:

Ayes: Trustee C. Lanning, M. Siewierski, S. McAllister, R. Reiter, D. Milroy
D. Liddick

Nays: None

Absent: None

6-ayes; 0-nays; 0-absent Motion carried. **RES. NO. 2006-02**

Mayor called Recess 8:45 pm – 8:52 pm

Annexation Agreement

Mr. Diamond explained that due to the SSA's for the Sheaffer system all Annexation Agreements with participating developers will need to be amended. Mr. Diamond took this opportunity to go through the proposed Annexation Agreement Amendments with the Board explaining that they will need to approve the amendments at a Public Hearing on February 27.

Closed Session 9:20 PM – 10:05 PM

Trustee Liddick moved to Adjourn to Closed Session at 9:20 p.m. to Discuss Purchase or Lease of Property for Use of the Public Body (Exception to Open Meetings Act, 5 ILCS 120/2 (c) (5) to Include the Full Board, the Mayor, Deputy Clerk, the Town Treasurer, the Zoning Administrator.

Trustee Reiter moved to adjourn from closed session and reconvened Special Meeting at 10:05 p.m. Unanimous voice vote carried the motion.

Respectfully submitted,



Rita Nielsen
Deputy Clerk