

**TOWN OF CORTLAND**

Town Hall  
59 S. Somonauk Rd.  
Cortland IL. 60112

**BOARD OF TRUSTEES**

Committee/Business Meeting  
7:00 P.M.  
January 14, 2008

**Call to Order/Pledge of Allegiance/Roll Call**

Mayor Seyller called the regular meeting to order at 7:03 p.m. Roll call was taken by Rita Nielsen, Deputy Clerk, showed as present Mayor Seyller, Trustees Mike Siewierski, Shawn McAllister, Dan Milroy and Ben Suppeland. Shown as absent were Trustee Stone and Lanning (LA). A quorum was present. Also present were Engineer Noah Carmichael, Attorney Parker Johnson, Zoning Administrator Walter Magdziarz, and Superintendent Water/Wastewater Joel Summerhill.

**Agenda**

Trustee McAllister moved and Trustee Siewierski seconded a motion amend the agenda to include a closed session under the Exception from the Open Meetings Act (5 ILC 120/2(c) (11)) to discuss Pending, Probable, or Imminent Litigation to be held after President's Report. Unanimous voice vote carried the motion.

**Presentation of DeKalb Community School District #428**

Mr. Mike Verbic, President DeKalb Community School District introduced Mr. Brian Schroeder, an advocate of the Vote Yes for School referendum. Mr. Schroeder explained that this plan is fiscally and educationally sound, and that this plan is the result of the efforts of over 800 community members. This is a plan to build a new high school, build a new elementary school in Cortland, and repurpose the existing high school repurpose Huntley Middle School and Repurpose Chesebro Elementary School. Mr. Schroeder asked everyone to support the referendum and to ask members of your community to support it also.

**TRUSTEE LANNING ARRIVED AT 7:10 P.M.**

Mayor Seyller commended the group for the great job that they have done in involving the community in the process of putting together this plan.

**Adjourn to Committee Work Sessions**

Trustee Suppeland moved and Trustee Milroy seconded a motion to adjourn to committee sessions at 7:16 p.m. Unanimous voice vote carried the motion.

Public Utilities and Budget & Finance met during this session.

Attorney Rob Bush arrived during Public Utilities committee meeting.

**Reconvene to Regular Scheduled Board Meeting**

Trustee Suppeland moved and Trustee Lanning seconded a motion to reconvene to Town Board meeting at 9:08 p.m. Unanimous voice vote carried the motion.

**Committee of the Whole**

**Discussion regarding feasibility of contracting with waste disposal company**

Mayor Seyller explained that due to Northern Illinois Disposal is dropping its sticker program and thought it might be time for the board to address contracting with one company to keep the prices a little lower than if residents contracted on their own. Trustee Milroy stated that this is not a good idea for the town as it adds more debt to the town. The only benefit for the town that he could see was fewer trucks on the roads. He did not see that as a problem at this time. Trustee Lanning stated that people should be able to contract with anyone they choose and that it was not up to local government to dictate choices for residents.

Mayor Seyller called for a roll call consensus:

- Ayes: Trustee Siewierski
- Nays: Trustees Lanning, Milroy, Suppeland, McAllister
- Absent: Trustee Stone

**Discussion of An Ordinance Amending Building Regulations (Certificate of Occupancy, Temporary)**

Mr. Magdziarz presented this ordinance explaining that this ordinance is to change the code to reflect the practice. Trustee Milroy expressed disapproval with the changes proposed to 8-1-6, B – 1 & 2 (Purpose and Duration.)

Mrs. Dockus prepared a new document and distributed to table, leaving in 8-1-6, B – 1 & 2.

**Discussion of Proposed Town Code Changes for Retaining Walls**

Mr. Magdziarz explained that there is an increase in the desire for retaining walls in Nature’s Crossing. A number of unauthorized retaining walls have been constructed. This was a result of certain house models being deeper in length than anticipated on the subdivision grading plan. Thus, lots were originally graded to provide a shallow slope from the rear wall of the house to the rear property line, as required by Town Code. When homeowners purchased models that have a building footprint deeper than anticipated on the grading plan, the rear yard ends up with a steep slope making them unmanageable for common ordinary household purposes, such as decks or patios, play equipment, storage sheds, etc. In response several owners have leveled their rear yards by constructing retaining walls and others want to follow suit.

The Town staff and consultants have concluded that retaining walls are a permitted accessory use/structure on the property, but there is a need to better define retaining walls in the zoning ordinance and the permit process for retaining walls needs clarification. By their nature, retaining walls affect drainage and have certain structural requirements. Consequently, they are regulated directly or indirectly in several different Chapters of the Town Code, including the Zoning Ordinance. Since retaining walls are addressed by multiple Chapters of the Town Code Mr. Magdziarz, would like a consensus from the Board prior to proceeding with drafting code changes.

This proposal it to:

establish a permit process and requirements for constructing retaining walls, define what retaining walls are exempt from a permit, establish standards for the location and appearance of retaining walls, require a before and after grading plan, require construction plans and details, establish an application/inspection fee unique for retaining walls. Mr. Magdziarz would like to have these changes adopted prior to this year's construction season.

Mr. Carmichael was asked what charges could be expected from engineering portion of this proposal. Mr. Carmichael thought it would be no more than 15-30 minutes of engineering time adding \$30.00 to \$60.00 to the permit fee, so somewhere around \$200.00

It was suggested that with this application process a tip sheet should be presented so resident understand what the cost of permit could be.

This proposal will come back to the Committee of the Whole before being sent to Town Board for discussion.

**Discussion regarding Memo from Attorney Johnson regarding "Smoke Free Illinois Act"**

Attorney Johnson presented the Smoke Free Illinois Act stating that Ancel Glink has prepared an ordinance that many municipalities may choose to enact. He explained that even without taking any action, local public health departments and local law enforcement agencies are charged with enforcing the Act. He said that enforcement is not discretionary and that inaction on the local level has no impact on the validity or enforceability of the Act's provisions. Attorney Johnson also explained that by passing the local ordinance the violations would be local and the revenue would not be split with any state agency and will become local government revenue.

Trustee Lanning expressed strong disapproval of the Smoke Free Illinois Act.

**Trustee Suppeland moved and Trustee Milroy seconded a motion to move Unfinished Business before New Business. Unanimous voice vote carried the motion.**

**Unfinished Business**

Trustee Suppeland moved and Trustee McAllister seconded a motion to accept a recommendation from the Public Utilities Committee to accept bid for \$2,140,000.00 from Gateway Tanks, Inc for a one million gallon water storage tank with cement base. Unanimous voice vote carried the motion.

Trustee Suppeland moved and Trustee Lanning seconded a motion to accept a bid for \$2,140,000.00 from Gateway Tanks, Inc for a one million gallon water storage tank with cement base.

Roll call vote:

Ayes: Trustees Milroy, Lanning, McAllister, Suppeland  
Nays: Trustee Siewierski  
Absent: Trustee Stone Motion carried

**New Business**

**An Ordinance Amending Building Code Regulations (Certificate of Occupancy, Temporary)**

Trustee Milroy read the proposed ordinance into the record. Trustee McAllister moved and Trustee Milroy seconded a motion to accept the first reading. Unanimous voice vote carried the motion.

Trustee McAllister moved and Trustee Milroy seconded a motion to approve An Ordinance Amending Building Code Regulations (Certificate of Occupancy, Temporary)

Roll call vote:

Ayes: Trustees Milroy, Lanning, McAllister, Suppeland and Siewierski

Nays: None

Absent: Trustee Stone

Motion carried

**ORD. NO. 2008-01**

### **An Ordinance Implementing the Smoke Free Illinois Act**

Trustee Milroy moved and Trustee Lanning seconded a motion to waive the first reading. Unanimous voice vote carried the motion.

Trustee McAllister moved and Trustee Milroy seconded a motion to approve An Ordinance Implementing the Smoke Free Illinois Act

Roll call vote:

Ayes: Trustees Milroy, McAllister, Siewierski and Mayor Seyller

Nays: Trustees Lanning and Suppeland

Absent: Trustee Stone

Motion carried

**ORD. NO. 2008-02**

### **President's Report**

Mayor Seyller explained to audience members that after his report there will be a closed session and no business will be conducted after the closed session.

Mayor Seyller announced that there will be an appreciation dinner on Friday, January 18 in recognition of the work that town staff, department heads, consultants and committees do all year for the Town.

There will be a Northern Illinois Mayors' meeting on Thursday, January 17 if anyone would like to attend they should let him know.

Mayor Seyller reminded everyone that the DeKalb Community School District will have an informational referendum meeting on January 23, at the Methodist Church at 7:00 p.m.

### **Adjournment to Closed Session**

Trustee McAllister moved and Trustee Suppeland seconded a motion to adjourn to Closed Session under the Exception from the Open Meetings Act (5 ILC 120/2(c) (11)) to discuss Pending, Probable, or Imminent Litigation at 10:12 p.m.

Attending will be Mayor Seyller, all Trustees, Treasurer Susan Dockus, Attorneys Bush and Johnson and Deputy Clerk Nielsen

Roll call vote:

Ayes: Trustees Suppeland, Milroy, Siewierski, McAllister and Lanning

Nays: None

Absent: Trustee Stone

Motion carried

Mayor Seyller called for a five minute recess.

**Reconvene to Regular Session**

Trustee Lanning moved and Trustee McAllister seconded a motion to reconvene to regular session

Roll call vote:

Ayes: Trustees Milroy, Siewierski, McAllister, Suppeland, and Lanning

Nays: None

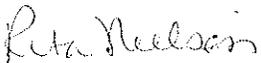
Absent: Stone Motion carried

Meeting reconvened at 10:45 p.m.

**Adjournment**

Trustee McAllister moved and Trustee Milroy seconded a motion to adjourn. Unanimous voice vote carried the motion. Meeting adjourned at 10:46 p.m.

Respectfully submitted,



Rita Nielsen  
Deputy Clerk

WEB ACCESSED