

## TOWN OF CORTLAND

Town Hall  
59 S. Somonauk Rd.  
Cortland IL. 601120

### BOARD OF TRUSTEES

#### Business Meeting

7:00 P.M.  
April 27, 2009

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

Mayor Seyller called the meeting to order at 7:02 p.m. Roll call was taken by Deputy Clerk Rita Nielsen. Shown as present were Mayor Seyller, Trustees Shawn McAllister, Brad Stone, Mike Siewierski. Shown as absent were Trustees Ben Suppeland, Chuck Lanning and Dan Milroy. With Mayor included, a quorum was present. Other officials present: Clerk Cheryl Aldis, Treasurer Susan Dockus, Attorney Parker Johnson, Superintendent Water/Wastewater, Engineer Noah Carmichael.

#### Agenda

Mayor Seyller stated that Mr. Nick Winkelmann of Layne Western has requested to speak and he will allow him to speak after the agenda is approved.

Trustee Siewierski moved and Trustee Stone seconded a motion to approve agenda. Unanimous voice vote carried the motion.

Mr. Winkelmann of Layne Western addressed the board regarding payment requests that have not been approved for payment. He said that due to non-union water tower contractor working at the site, Layne has not been able to complete its project and install this submersible pumping assembly. During the week of February 2, there was an attempt to install the pumping assembly. Per conversation with the Town Engineer it was known that the contractor would not be on site this week. During this time period, our crew was able to remove the fill in the well by bailing and begin the installation of the pumping assembly. Mr. Winkelmann said that on February 6 the picket line was at the site again, so their crews were prevented from working at the site.

Mr. Winkelmann stated that the equipment is currently being stored in their Aurora facility because of potential damage or vandalism concern.

#### Consent Agenda

Deputy Clerk Rita Nielsen read the consent agenda.

- Approve Town Board Minutes March 23 (revised to remove \$4.60 from page 2, paragraph 1, line 5) and April 13
- Accept Cortland Community Library Minutes of March 18
- Accept Cortland Community Library Budget Report (revised to read February)
- Treasurer's Report for March
- List of Bills Paid for March
- Approve Radium Removal System Assembly Agreement G's R Plumbing and Heating Inc. for \$77,900

Approve Gateway Tank Payment #6 in the amount of \$394,389.90  
Approve Bond Reduction Request for Richland Trails

Trustee Stone moved and Trustee McAllister seconded a motion to approve the Consent Agenda.

Roll call:

Ayes: Trustees Stone, Siewierski, McAllister and Mayor Seyller

Nays: None

Absent: Trustees Suppeland and Milroy and Lanning

Motion carried.

### **Staff Reports**

#### **Attorney's Report**

Attorney Johnson was present and read his report.

#### **Engineer's Report**

Mr. Carmichael was present and read his report.

Mayor Seyller asked Mr. Carmichael if he would like to address the Town Board regarding Mr. Winkelmann's request. Mr. Carmichael said that Layne Western had to bail sand out of the well and that the contract was bid for one lump sum. Trustee Stone asked if ComEd was going to cross the picket line to run their service. Mr. Carmichael said they will, however they will use a management crew. Trustee Stone was concerned about the cable being spliced. Mr. Winkelmann said that the cable will be in one piece and is being stored. Trustee McAllister said that he is concerned that Layne Western will get paid and then not finish the project and choosing to not cross the picket line was a business decision that they made. Trustee Stone said he wanted all to realize that the pump contains mercury. Mr. Winklemann said that it is EPA approved.

#### **Wastewater Report**

Mr. Summerhill was present and read his report and presented the current pumpage report.

#### **Operation and Maintenance Report**

Mr. Kocher was on vacation. His report was in the packet for review.

#### **Zoning Administrator**

Mr. Magdziarz presented his report.

#### **Building Report**

Report was in packet for review.

#### **Police Report**

Chief Stokes was not present his report was in the packet.

### **Liaison Reports**

**Festival and Parade:** Trustee Stone presented a list of dates for Parade & Festival meetings. He also reported that the F&P Committee is looking at possibly having movie nights at the elementary school.

**Planning Commission:** The next scheduled meeting is May 4, 2009.

**Facility Planning Board:** Mayor Seyller reported that he has talked with Kim Lisle and DeKalb School District is currently talking about possible uses of the elementary school when the new school is completed. Mayor Seyller would like to stay on top of this as the Town may be able to use some space.

### **New Business**

#### **Projected FY Payments on Vehicle Loan from General Fund FY10 through FY13**

Mayor Seyller said that the Board had made a decision when passing the Budget to pay off all vehicle/equipment loans. Mayor Seyller and the board discussed options presented by Treasurer Dockus and decided to continue with the original decision to pay off vehicle/equipment loans.

#### **An Ordinance Approving the Plat of Resubdivision of Lot 2 of Robinson Farm Subdivision P.U.D. Phase One**

Mr. Magdziarz presented this ordinance.

Mayor Seyller called a 5 minutes recess at 8:00 p.m.

Trustee McAllister moved and Trustee Stone seconded a motion to waive the first reading of An Ordinance Approving the Plat of Resubdivision of Lot 2 of Robinson Farm Subdivision P.U.D. Phase One. Unanimous voice vote carried the motion.

Trustee Siewierski moved and Trustee Stone seconded a motion to approve An Ordinance Approving the Plat of Resubdivision of Lot 2 of Robinson Farm Subdivision P.U.D. Phase One.

Roll call:

Ayes: Trustees Stone, Siewierski, McAllister and Mayor Seyller

Nays: None

Absent: Trustees Suppeland and Milroy and Lanning Motion carried. **ORD2009-02**

#### **PC Recommendation PC09-01 Cortland Comprehensive Plan Amendment Boundary Agreement Changes & Approve Corresponding Ordinance & Map**

Mr. Magdziarz presented PC09-01. The proposed amendments are a result of negotiations between the Town and the City of DeKalb pertaining to ongoing development of the DeKalb-Taylor Municipal Airport. The Town Board adopted an Intergovernmental Agreement with the City firmly establishing a planning jurisdiction limit for both communities, recognizing the City's recent acquisition of additional property for airport runway protection zone purposes and allows the Town to use certain portions of the airport property for wastewater irrigation purposes. Secondly it makes minor adjustments for the Future Land Use Plan Map in the vicinity of Hinckley Road and Interstate 88 to reflect the FPA. This map accurately reflects the FPA limits between Pleasant Street and Interstate 88.

Trustee Siewierski moved and Trustee McAllister seconded a motion to accept PC09-01. Unanimous voice vote carried the motion.

Trustee McAllister moved and Trustee Stone seconded a motion to waive the first reading of An Ordinance Amending the Cortland Comprehensive Plan (Boundary Agreements). Unanimous voice vote carried the motion.

Trustee McAllister moved and Trustee Siewierski seconded a motion to approve An Ordinance Amending the Cortland Comprehensive Plan (Boundary Agreements).

Roll call:

Ayes: Trustees Stone, Siewierski, McAllister and Mayor Seyller

Nays: None

Absent: Trustees Suppeland and Milroy and Lanning Motion carried

**ORD2009-03**

### **Resolution Urging Passage of a Comprehensive Capital Infrastructure Program**

After Clerk Aldis read the Resolution, Trustee Siewierski moved and Trustee McAllister seconded a motion to accept. Unanimous voice vote carried the motion.

**RES2009-01**

### **Approval of Engineering Proposal for the Completion for IEPA Revolving Loan Program**

Mr. Carmichael presented this proposal from Fehr-Graham & Associates to prepare a facility plan and associated IEPA Revolving Loan Application for system-wide wastewater improvements. Total amount of proposal is: Wastewater Facility Plan, \$20,850 and IEPA Revolving Loan Application, \$4,500.

Trustee Stone moved and Trustee Siewierski seconded a motion to approve proposal that details airport irrigation project and modification for discharge permits, wrapping everything into one plan according to scope of work, to be paid from sewer funds.

Roll call:

Ayes: Trustees Stone, Siewierski, McAllister and Mayor Seyller

Nays: None

Absent: Trustees Suppeland and Milroy and Lanning Motion carried

**C2009-04**

### **Proposed Utility Contract for Wastewater Treatment Plant**

Superintendent Summerhill and Mr. Carmichael presented proposed contract. This contract is between the Town and Municipal Design and Environmental Services, Inc. (MDES). This contract would allow for MDES to provide a licensed operator to assist the Town's staff with daily operations and compliance with IEPA standards for our wastewater treatment facility. MDES will provide one weekly visit to review the operations reporting and documentation with staff and be available by phone for questions. MDES will be available if an emergency arise.

MDES will provide a licensed operator for full time monitoring of the irrigation system during the times the system is operating. After training the Town staff will provide the daily startup of system for the operator to monitor.

Town staff will provide required staff to complete the daily monitoring, testing, sampling, documentation and maintenance of the facility according to EPA requirements and under the guidance of the MDES operator.

This is a month to month contract with a base fee of \$1,950. If the Town requires additional field visits to assist with maintenance of equipment or other issues, the hourly rate of \$90.00 per hour will be charged.

Trustee Stone moved and Trustee Siewierski seconded a motion to allow the mayor to enter into a contract agreement with MDES for services for wastewater facility as specified in contract documents.

Roll call:

Ayes: Trustees Stone, Siewierski, McAllister and Mayor Seyller

Nays: None

Absent: Trustees Suppeland and Milroy and Lanning Motion carried **C2009-05**

### **Red Flag Ordinance**

Clerk Aldis presented this Ordinance. The Identity Theft Red Flag Rule requires any creditor to develop a program to detect, prevent, and mitigate identity theft. Utility companies are specifically mentioned in the definition therefore the Town will need to adopt this ordinance. Clerk Aldis said we need to work on the language of this ordinance before it is approved. Trustee Stone moved and Trustee McAllister seconded a motion to table this until May 11. Unanimous voice vote carried the motion.

### **Unfinished Business**

#### **Approve Bond Reduction Request for Chestnut Grove**

Montalbano Homes (Chestnut Grove) Attorney Michael McGurn was present for this discussion. Attorney Johnson reminded the board that at the Committee of the Whole meeting on April 13, there was a request to reduce the Letter of Credit from \$7,537,860 to \$5,560,438. Montalbano Homes is asking that the Town allow for this reduction so they can move forward with their obligations to complete public improvements in Chestnut Gove Subdivision. Attorney Johnson stated that enough money is still being held back in case the Town would need to move forward and complete improvements.

Trustee Siewierski moved and Trustee McAllister seconded a motion that the request of the Developer to reduce the public improvement Letter of Credit for the Chestnut Grove subdivision from \$7,537,860 to an aggregate of \$5,560,438 and allocated between the two phases of Unit 1 resulting in two Letters of Credit for \$3,314,489.54 for Phase 1A and \$2,245,946.06 for Phase 1B, is approved without further action of the Board provided that such reduction shall not be effective until:

- a) The Town receives substitute Letter of Credit aggregating \$5,560,438.00, and
- b) by June 1, 2009, the Town receives a letter from the Royal Bank of Canada, acceptable to the Town, indicating that the loan for Chestnut Grove includes sufficient funds to complete the subdivision improvements previously addressed by the town including irrigation improvements, lift station, street lights, erosion control and park improvement to be completed by August 31, 2009, in the approximate amount of \$1,500,000. [Clerk's note: these subdivision improvements are listed on a second document filed in the Town Clerk's Office as **M2009-02**]

If conditions a) and b) are not met, the board authorizes the Town President to declare Montalbano in default and call upon Letter of Credit SB003535, as amended, to finance the improvements herein, in accordance with the annexation agreement and Town ordinances.

Roll call:

Ayes: Trustees Stone, Siewierski, McAllister and Mayor Seyller  
Nays: None  
Absent: Trustees Suppeland and Milroy and Lanning Motion carried

**President's Report**

Mayor Seyller congratulated Sandra Barzso and Doug Corson on their newly elected positions of Trustee. He thanked Trustees Milroy and McAllister for the years they have served the town on various boards and committees and for their years of service as Trustees.

Upcoming Events:

May 3, Lions Club pancake breakfast and motorcycle ride. May 25, Memorial Day Annual Mayors' Breakfast, anyone who would like to attend can call the Mayor. May 15, Model T Ford Group will be coming through Town. June 14, the MS bicycle riders will make a stop at Cortland Community Park. June 20, at 1:00 p.m. the MVPA Military Convoy will be passing along the Lincoln Hwy.

**Adjournment**

Trustee Stone moved and Trustee McAllister seconded a motion to adjourn. Unanimous voice vote carried the motion. Meeting adjourned at 8:48 p.m.

Respectfully submitted,



Rita Nielsen  
Deputy Clerk