

TOWN OF CORTLAND

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

BOARD OF TRUSTEES

Business Meeting

7:00 P.M.

December 8, 2008

Call to Order/Pledge of Allegiance/Roll Call

Mayor Seyller called the meeting to order at 7:03 p.m. Roll call was taken by Deputy Clerk Rita Nielsen. Shown as present were Mayor Seyller, Trustees Shawn McAllister, Brad Stone, and Chuck Lanning (was sick and left meeting at 7:45 p.m.) Mike Siewierski. Trustees Ben Suppeland and Dan Milroy were absent. Quorum was present. Other officials present: Treasurer Susan Dockus, Attorney Parker Johnson, Water/Waste Water Superintendent Joel Summerhill, and Town Engineer Noah Carmichael.

Agenda

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

Public Hearing 2008 Tax Levy

Mayor Seyller called the Public Hearing to order at 7:04 p.m.

Deputy Clerk Rita Nielsen read the Publication Notice as it appeared in the *Daily Chronicle* on November 28, 2008 meeting the requirements of the law.

Mrs. Dockus presented the 2008 Tax Levy. Mrs. Dockus reviewed the proposed levy documents. A comparison of tax rates was provided with amounts shown for a house with a value of \$180,000 and a homestead exemption. A history of the Consumer Price Index (CPI) was reviewed. Mrs. Dockus presented a chart explaining what percentage each taxing body receives. Mrs. Dockus stated that \$532,064.54 for the Town and \$245,587.75 for the library for a total of \$777,652.28 is the maximum allowed if the EAV estimated by the supervisor of assessments is correct. The Levy request for the Town is \$546,500 and \$250,000 for the Library for a total of \$796,500.

After asking for comments from the floor and hearing none the mayor closed the Public Hearing at 7:12 p.m.

A Special Meeting to approve the 2008 Tax levy was scheduled for Thursday, December 11, at 6:30 p.m.

Attorney's Report

Attorney Johnson presented his report. He reported that litigation is continuing to go forward on the New Hope Subdivision. The developers came to court without attorneys and said that they are going to proceed without attorneys. Dr. Young's Motion to Dismiss will be heard a week from today at 9:00

a.m. Mr. Johnson has been working on a Fiber Optic Agreement that will be presented later in the meeting.

Zoning Administrator's Report

Mr. Magdziarz presented his report.

Mr. Magdziarz presented the Cortland-DeKalb Boundary Agreement. Over the past eighteen months the Mayor and Trustee Lanning have been negotiating an amendment to the current Cortland-DeKalb Boundary Agreement that would address several issues of concern to Cortland. During the past eighteen months, the City of DeKalb has acquired the Hudgins property and a portion of the Diehl property for the north runway protection zone (RPZ). The following issues are addressed in the Agreement; Extending the boundary line north of Barber Greene Road, Extension of Loves Road, Modifying the boundary line along the Union Pacific Railroad and the Bohne property, Wastewater Irrigation rights and royalties and Airport Sales Tax Sharing.

The notification and publication process has changed since the current boundary line agreement was adopted, the legislature enacted new procedures and requirements for notification for boundary line agreements. The Agreement has to be posted in the corporate offices 30-days prior to the date the body will consider the Agreement. Both municipalities will have to pick a date they will consider the Agreement and then the posting and publication can be scheduled back from that date.

Mr. Magdziarz distributed a draft of the Maple Park Boundary Agreement to Town Board.

List of Bills Paid

Trustee Stone moved and Trustee McAllister seconded a motion to accept the List of Bills Paid. Unanimous voice vote carried the motion.

A Resolution Authorizing the Mayor to Execute a License Agreement with DeKalb Fiber Optic, LLC.

Mr. Dan Halverson of DeKalb Fiber Optic introduced himself explaining that the DFO would like to enter into a utility agreement and lease agreement with the Town allowing DFO to occupy and do business within the Town of Cortland. In exchange for the utility agreement DFO will provide four strands of fiber to the Town for use of interconnecting town buildings.

The town would be responsible for building the laterals to connect to DFO fiber at the nearest splice point. Mr. Halverson gave options for building laterals.

Attorney Johnson said that he has read the agreement and he has concerns regarding the agreement as it stands. Some of the reasons are as follows; lack of performance bond, might not be in the best interest of the Town to give an exclusive agreement, attorney fee collection if there is a disagreement, the Town would be operating under a license agreement instead of an ordinance. Questions were raised whether DFO needed to enter into an agreement with whoever owns the utility poles. Mr. Johnson recommended that the Town get more information and wait before entering into an agreement.

Mr. Brian LeFevre, Sikich Professional Services and Support Audit Review

Mr. LeFevre gave the board an overview of the Town audit for the year ending April 30, 2008.

Gateway Tank Update

Mr. Dan Witzigreuter of Gateway said that he understood that the board had concerns about pouring the next section of concrete in cold weather. He thought that hearing from an expert in the field would help alleviate concerns.

Mr. Brad Barnes, P.E. had a Power Point presentation based on cold weather concrete studies done by the Concrete Foundation Association.

Approval of Payment to Mr. Anest for Farm Crop Damage

Mr. Carmichael presented payment request..

Trustee Siewierski moved and Trustee McAllister seconded a motion to pay farm crop damage of \$1,400.

Roll call vote:

Ayes: Trustees Siewierski, Stone and McAllister and Mayor Seyller

Nays: None

Absent: Trustees Lanning (left sick), Milroy and Suppeland Motion carried.

Approval of Bond Reduction Request

Mr. Mike Boro of FCL Builders requested that the Board consider reducing the bonds being held for the Cortland Reclamation and Reuse System. Mr. Borrow said that the unpaid balance on the construction contract is \$169,000. The Town was still holding bonds of over \$6,000,000 and the system has been operation for the benefit of the Town for more than a year. Because of the economic climate FCL Builders could be forced to forgo opportunities as the bonds are being held up. Mr. Borrow asked if the Board did not feel they could release the bonds if they would consider reducing them.

Trustee McAllister moved and Trustee Siewierski seconded a motion to reduce FCL Builders Performance Bond to \$500,000.

Roll call vote:

Ayes: Trustees Siewierski, Stone and McAllister and Mayor Seyller

Nays: None

Absent: Trustees Lanning, Milroy and Suppeland Motion carried.

Approval of MFT Resolution

Mr. Carmichael presented MFT Resolution requesting an additional \$3,000 for January 1, 2008 through April 30, 2009.

Trustee Siewierski moved and Trustee Stone seconded a motion to approve MFT Resolution.

Roll call vote:

Ayes: Trustees Siewierski, Stone and McAllister and Mayor Seyller

Nays: None

R2008-07

Absent: Trustees Lanning, Milroy and Suppeland

Motion carried.

Discussion of Gateway Tank, Inc Payment #4

No discussion.

Declare Notice of Default (Chestnut Grove)

Attorney Johnson reported that Montalbano Homes cannot expend funds and are not meeting obligations to the Town. There are improvements that need to be completed. He said that there is hefty bond security for this subdivision and in order to call upon that security there needs to be authorization to advise them of failure to construct. After notice is sent the Town will be able to declare them in default, which is the first step of being proactive when this type of situation arises.

Trustee Siewierski moved and Trustee McAllister seconded a motion to authorize Attorney Johnson to advise Montalbano Homes that they have failed to install improvements and give 30 day's notice, and in absence of a cure the Town will declare Montalbano Homes in default. Unanimous voice vote carried the motion.

Accept Auditor's Report for Year Ended April 30, 2008

Trustee Stone moved and Trustee McAllister seconded a motion to accept report. Unanimous voice vote carried the motion.

President's Report

Mayor Seyller asked everyone to be at the Tax Levy Special Meeting at 6:30 p.m. on December 11. Mayor Seyller has a draft of the Special Edition Newsletter.

Adjournment

Trustee Stone moved and Trustee McAllister seconded a motion to adjourn. Unanimous voice vote carried the motion. Meeting adjourned at 8:53 p.m.

Respectfully submitted,

Rita Nielsen
Deputy Clerk