

TOWN OF CORTLAND
Town Hall
59 S. Somonauk Road
Cortland, IL 60112
BOARD OF TRUSTEES
Committee/Business Meeting
February 28, 2011

Call to Order / Pledge of Allegiance / Roll Call

Mayor Seyller called the meeting to order at 7:00 p.m. Roll call was taken by Deputy Clerk Rita Nielsen. Shown as present were Mayor Seyller and Trustees Chuck Lanning, Randy Reiter, Doug Corson, and Brad Stone. Trustees Sandra Barzso and Mike Siewierski were absent. Other officials present were Administrator Walter Magdziarz, Attorney Parker Johnson and Clerk Cheryl Aldis.

Agenda

Trustee Reiter moved and Trustee Corson seconded a motion to approve the agenda. Unanimous voice vote carried the motion.

Recognition of Water Department

Mr. Magdziarz recognized the Town's Water Department who was recently recognized by the Illinois Department of Public Health for maintaining successful compliance in 2010 for twelve consecutive months with the State of Illinois Fluoridation Law.

Due to the expertise and diligence of water operator, Joel Summerhill this is the second consecutive year that Cortland's water system has been recognized. Most water systems in the state cannot meet the rigorous monthly testing requirements needed to satisfy the Department of Public Health standards.

Thanks to Joel and Al for achieving this award again, and for making our public drinking water supply safe!

Public Wishing to Speak

No one in the audience asked to speak.

Consent Agenda

Deputy Clerk Rita Nielsen read the Consent Agenda into the record.

Approve Town Board Minutes of January 24, February 14 & 22, 2011

Approve Treasurer's Report of January 2011

Approve Expenditure Report of January 2011

Trustee Reiter moved and Trustee Lanning seconded a motion to approve the Consent Agenda with the following changes to draft minutes: December 30, amend closing date from April 30 to April 1, February 14, amend blizzard date from February 1 to February 2 and January 24, amend Airport Advisory Report from \$50,000 to \$50,000,000.

Roll call vote:

Yeas: Trustees Reiter, Corson, Stone and Lanning

Nays: None

Absent: Trustee Siewierski and Barzso

4-yea; 0-nay; 2-absent motion carried.

Town Administrator's Report

Mr. Magdziarz reported that the new population numbers for Cortland is 4,270.

Mr. Magdziarz reported that the Town has not received Gateway Tank final payment request (#9). Mr. Carmichael will be submitting the request as soon as back up paperwork has been completed by Gateway. There were penalty provisions in the contract language, but the language is confusing and determining a substantial completion date could prove to be difficult. Damages can only be applied after a substantial completion date is determined. Mr. Magdziarz is recommending that even though the project was late the Town forego pursuance of damages as we will be spending a lot of funds to liquidate damages. Mr. Magdziarz is recommending that when the final documents and payout request is ready the Town should pay it and not use legal council to collect penalties. Mayor Seyller said that this is speculating and we may be interpreting the contract one way and Gateway Tank another way. No one is clear at this time if the Town would be entitled to damages or not. Mr. Magdziarz suggested that it will be more cost to the Town chasing uncertainty. The treasurer has a graphed the legal costs for the last 5 years and Mr. Magdziarz is concerned with the amount of litigation fees the Town has had to pay over time. Mayor Seyller said he does not see it as spending more than was in the contract he is only talking about overrun penalties.

Attorney Johnson stated that he disagrees somewhat as he has looked over the contracts and the final payout is \$110,000. Attorney Johnson stated that he is not certain that the Town even has a claim. Trustee Reiter stated that the Town should not even be in a situation where there are engineering and legal questions as they were overseeing the contracts. Mayor Seyller will check with Fehr-Graham and Associates and get an explanation and timeline from them and find out what Gateway Tank thinks they are owed.

Mr. Magdziarz reported that all the paperwork has been completed for closing on the Barb City Grinding Building (250 S Halwood St). Moving forward, the expectation is to remodel for use by public works and the police department. When the Town started contemplating a new facility the Linden Group Architects were hired to oversee the bidding process for a new public works building. The Town Board decided not to build a new building. The Barb City Grinding Building opportunity was presented. At that time the Town hired the Linden Group to prepare conceptual plans just to verify that it could be used for the Town's purposes. The conceptual plans were not for overseeing the construction, for that the Town needs much more detail to proceed. Mr. Magdziarz recommended that the Town use Linden Group Architects to prepare construction specifications and administer the bidding process and at some point make award to a general contractor to oversee the project.

Mayor Seyller said that we would be entering into a contract with the architects to prepare a remodeling plan and when the plans are drawn to the Town's satisfaction they will be brought before the board. Trustee Reiter does not want the Town to hire an architect as he believes the Town can oversee the remodeling project.

Mayor Seyller and Mr. Magdziarz explained that this is a public works project and the Town must follow the laws. Trustee Corson stated that the project will have to have an architectural seal. Trustee Stone agreed that it might sound simple, but even making sure the electric is where you want it will require an architect's drawing. Mr. Magdziarz explained that one of the reasons the Town used Linden Group Architects is they have overseen renovation of public works projects.

Trustee Lanning asked if the Sales Tax Referendum information was in the newsletter. He was told that it was. Trustee Lanning asked about whether or not a time-line explanation for the Eagle Homes Lawsuit has been prepared. Mayor Seyller apologized for not having it ready, and said that after the Treasurer prepared the timeline, he worked on it with the Town Clerk and he is waiting for the Town Administrator and attorneys to look it over. He stated that it is very complicated and it must be cleared by the attorney as this lawsuit is in the appeal process. Trustee Lanning expressed his displeasure at Mayor Seyller's response.

New Business

Motion to Reconsider Minutes of December 30, 2010

The minutes did not reflect the correct closing date in the Letter of Commitment with Resource Bank. Trustee Stone moved and Trustee Corson seconded a motion to amend the minutes of December 30 to read April 1.

Roll call vote:

Yeas: Trustees Reiter, Corson, Stone and Lanning

Nays: None

Absent: Trustee Siewierski and Barzso

4-yea; 0-nay; 2-absent motion carried.

There were no Liaison Reports.

Next Planning Commission date is March 7, 2011.

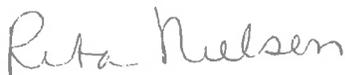
President's Report

IML Legislative day is April 13.

Adjournment

Trustee Stone moved and Trustee Corson seconded a motion to adjourn. Unanimous voice vote carried the motion. Meeting adjourned at 7:53 p.m.

Respectfully submitted:



Rita Nielsen
Deputy Clerk