

TOWN OF CORTLAND
Town Hall
59 S. Somonauk Road
Cortland, IL 60112
BOARD OF TRUSTEES
Business Meeting
October 11, 2010
7:00 P.M.

Call to Order / Pledge of Allegiance / Roll Call

Mayor Robert Seyller called the regular meeting to order at 7 p.m. Roll call taken by Deputy Clerk Rita Nielsen showed as present Mayor Bob Seyller, Trustees Brad Stone, Randy Reiter (arrived at 7:04), Sandra Barzso, Chuck Lanning, Doug Corson and Mike Siewierski. Quorum was present. Also present were Town Administrator Walter Magdziarz and Town Clerk Cheryl Aldis.

Agenda

Trustee Stone moved and Trustee Lanning seconded a motion to amend the agenda to include a second closed session to Discuss the Appointment, Employment, Compensation, Discipline, Performance or Dismissal of Specific Employees of the Public Body (Exception to Open Meetings Act, 5 ILCS 120/2 (c) (1). Unanimous voice vote carried the motion.

Public Wishing to Speak

Ms. Alvina Stover of 128 W. Elm, Cortland questioned when S Elm Street will be resurfaced. Mr. Magdziarz said he will speak with the Town's Operation and Maintenance Director and call her with this information. Trustee Lanning stated that he has been concerned about the drainage problems on this street for a long time and the Town needs a figure out how to move the water out of there.

Public Hearing to Consider Establishing the Robinson Farm Business Development Plan

Mayor Seyller called the public hearing to order at 7:09 PM. The Deputy Clerk read the Publication Notice. The Hearing Notice, published twice in the *Daily Chronicle* on September 17 and 27, 2010.

Mr. Magdziarz stated that the Town is severely disadvantaged with respect to offering financial incentives to commercial developers because the Town is not part of an Enterprise Zone, and has no tax increment finance districts. Cortland is not a home rule community and lacks the flexibility and options with respect to generating economic development in the community that a Home Rule community would enjoy.

The Town of Cortland has identified Lot 26 in the Robinson Farm subdivision as a commercial Business Development District. The District boundaries are indicated on the attached map. In 2002 the Town initiated, participated and facilitated the reconstruction of Somonauk Road and the installation of certain streetscape improvements with the intention of beautifying the

Approved: October 25, 2010
Attest: Cheryl Aldis

corridor and encouraging business development along Somonauk Road. Several years later, the property in question was designated for commercial development, under certain conditions, in the Robinson Farm planned unit development. Certain public improvements were constructed in the subdivision to facilitate commercial development of the property. There has been little to no interest in developing the subject property. The frontage of the property is improved and utilities have been brought to the property. The property has remained vacant for decades despite public (street beautification efforts by the Town) and private efforts (subdivision improvements and marketing the property by the subdivider) to stimulate development interest. The long undeveloped tenure of the property has a blighting effect on adjacent and nearby property from the underutilization and deterioration of the property from lack of use. Commercial development is located on the opposite side of Somonauk Road but has experienced a steady rotation of tenants. Other vacant commercial land in the vicinity has remained undeveloped. The incomplete, unfinished appearance of the subject property has a blighting effect on the immediate neighborhood since it calls to attention the lack of investment and characterizes the neighborhood and the community as undesirable places to invest, establish and operate a business.

The plan for development in the Robinson Farm Business Development District consists of a single story 9,100 square foot commercial building, associated off-street parking and loading areas, and landscaping all unpaved areas. The Robinson Farm Business Development District Plan also includes the establishment of financial incentives or assistance that applies only to the District.

The Business Development District allows the Town Board to establish a business district retailer's occupation tax, not to exceed 1%. The Town Board intends to establish such a tax on retailers located in the Robinson Farm Business Development District. This tax along with customary retail sales taxes collected for the Town will be used to repay the development costs, up to \$300,000 and not more than \$20,000 in any year, related to constructing a retail building and associated site improvements in the District. If the retail use has annual sales between \$1 million and \$2 million the business development district sales tax will generate \$10,000 to \$20,000 per year. If the business development district sales tax is less than \$20,000 for any year the Town will use other sales tax revenue from the district to fund the difference.

Mayor Seyller asked for any questions from the floor. There were none.

Mayor Seyller asked for questions from Trustees.

Trustee Reiter asked what the Town's obligations would be if this business doesn't last 15 years, what happens? Mr. Magdziarz said this would be negotiated in the Development Plan.

Clerk Aldis asked if the alley is going to be vacated and how does it affect the adjoining lot. Mr. Magdziarz said the alley will not be vacated.

Trustee Stone asked about the radius for a semi to turn. Mr. Magdziarz said delivery service will be off of Somonauk.

There being no further questions, Mayor Seyller closed the meeting at 7:23 p.m.

Town Administrator's Report

Mr. Magdziarz full report was in the packet. He reported on the following:

The Town received formal notice at the end of September that the IMLRMA is dropping the Town from its coverage. This is a general liability and workman's compensation insurance that we are required to carry. Mr. Lamz is actively searching for a replacement insurance company.

In reference to the Wastewater Reclamation and Re-Use Facility discharge issues, The Town continues to discharge at the maximum permitted by the permit and continue to make progress in reducing the water level in the storage lagoons. Irrigation operations are drawing to a close.

Cambridge Homes has conveyed the irrigation land in Richland Trails to the Town. We are protesting this as we do not want the land at this time. They have not followed procedures put forth in the Annexation Agreement for conveyance of land.

All other Department Head Reports are in the packet.

Unfinished Business

Approve Minutes of August 23, 2010. Trustee Reiter moved and Trustee Stone seconded a motion to approve August 23 minutes. Trustee Barzso requested that the minutes be amended to include the following "All Board members concurred that the position (at the Police Department) was to have been eliminated immediately" Trustee Barzso moved and Trustee Lanning seconded a motion change the minutes. Unanimous voice vote carried the motion.

Approve Minutes of September 13, 2010

Trustee Siewierski moved and Trustee Stone seconded a motion to approve the minutes of September 13. Unanimous voice vote carried the motion.

South West Street Paving Project

Mr. Magdziarz presented. The Town initiated legal action against Mr. Frank Sanchez, the subdivider that was responsible for New Hope Park, to complete the public improvements in the subdivision, namely, West Street. Ancel Glink agreed to take the case on a contingency fee basis. It appears Mr. Sanchez, has fled the country and is defying the demands and direction of the courts. Ancel Glink has declined to pursue the matter further and incur additional costs.

At this time there is little more than \$533 remaining from the guarantee the Town collected from the grantor.

Since the subdivision is complete, and the public improvements guarantee has been expended, save for \$533, and the Town is snow plowing the street, and there are 42 residents residing on the incomplete street it is Mr. Magdziarz recommendation that the Town Board consider using the funds from the Restricted Assets Capital Improvement Fund to complete the improvement.

Due to the end of the paving season and this being a relatively small project and it is difficult to find interested and qualified vendors, Mr. Kocher has asked several paving contractors for quotes and has obtained quotes from Orange Crush and Royer Paving. The funds will come from the remaining money in New Hope Park Subdivision improvement guarantee and the Restricted Assets Capital Improvement Fund. The recommendation is to accept the proposal from Orange Crush, LLC (lowest bid) for \$15,470.

Trustee Stone asked about a dip in the road and whether or not the dip will be fixed. A discussion regarding the two quotes ensued. Royer Trucking proposal did include "laying a level lift of hot mix over approximately 2,500 sq. feet to fill dips in low areas". Trustee Reiter asked why there are no checks and balance in place to prevent this. Mr. Magdziarz responded that "there is now".

Trustee Lanning moved and Trustee Reiter seconded a motion to approve the Proposal from Royer Asphalt Paving, in the amount of \$17,294.00.

Roll call vote:

Yeas: Trustees Reiter, Corson, Barzso, Lanning and Siewierski

Nays: Trustee Stone

Absent: None

5-yea; 1-nay; 0-absent

motion carried.

Hermann Farm License (Swanson) and Authorize Mayor and Town Clerk to Execute License.

Mr. Magdziarz presented the License stating that the License sets forth the terms, obligations and responsibilities by both parties concerning farming operations and the wastewater irrigation operations on the Town's property (Hermann Farm). Mr. Swanson has been very accommodating to the irrigation needs and there have been no conflicts between his farming operations and the wastewater irrigation functions. The Town will be paid \$10,725. The term of this Agreement shall run from the effective date through March 31, 2012. Thereafter, this Agreement shall be automatically renewed each year for a term from April 1 through March 31 in each subsequent year. The Town may change the License at any time providing written notice to Licensor at least one hundred twenty days (120) days prior to March 1 of any year.

Trustee Lanning moved to Authorize Mayor and Town Clerk to execute Farm License.

Roll call vote:

Yeas: Trustees Reiter, Corson, Barzso, Lanning, Stone and Siewierski

Approved: October 25, 2010

Attest: Clay TC

Nays: None
Absent: None
6-yea; 0-nay; 0-absent motion carried.

Festival and Parade Committee – Allocation of Additional Funds

Trustee Stone said that two weeks ago during liaison reports he reported that the Parade and Festival committee would need additional funds in order to hold the Fall Festival. When he talked to Judy Butler he found out that they would need an additional \$4,500 to hold the events on Saturday and Sunday. After considering their options the Festival and Parade members came to a consensus to drop the Saturday event. They then notified everyone involved that the event was cancelled.

Trustee Stone said he would like to see an account set up for the committee to work out of with a known dollar amount. He stated that insurance, compliance and regulations are tying the committee's hands.

Mayor Seyller thanked all the volunteers for their hard work.

Trustee Reiter said that he knows that \$15,000 was set aside for the parade and Town functions. Trustee Reiter asked why, if this was a separate item in the budget, where is it? Trustee Reiter also thanked the volunteers and committees for their hard work.

Mrs. Marsha O'Donnell asked the Board why volunteers have to sign an insurance waiver.

Mr. Richard O'Donnell said he was very disappointed to find out 5-7 days before the event that it had to be cancelled for lack of funding.

Comments and Concerns

Trustee Reiter [referring to road work proposals] stated that he believes staff needs to do a better job of due diligence in being prepared. He asked who reviewed the proposals and stated that if something is left to subjection and interpretation department heads should be here. He would also like to see packet information when it becomes available and not have to wait until the Friday before the meeting. Trustee Reiter would like it if the pages in the packet were marked. Clerk Aldis will look into this and make the change if possible.

Trustee Barzso stated that she would like to be able to have more time to review the minutes, and asked if a draft could be available earlier for review.

President's Report

Mayor Seyller reminded everyone that the parade and festival will be held on Sunday, October 17.

Trustee Lanning moved and Trustee Reiter seconded a motion to Adjourn to Closed Session to Discuss Purchase or Lease of Property for the Use of the Public Body (Exception to Open Meetings Act, 5 ILCS 120/2 (c) (5)) and to Discuss the Appointment, Employment, Compensation, Discipline, Performance or Dismissal of Specific Employees of the Public Body (Exception to Open Meetings Act, 5 ILCS 120/2 (c) (1)) to Include the Full Board, the Mayor, the Town Clerk, Deputy Clerk, and the Town Administrator

Roll call vote:

Yeas: Trustees Reiter, Corson, Barzso, Lanning and Siewierski

Nays: None

Absent: None

6-yea; 0-nay; 0-absent motion carried.

Meeting adjourned to closed session at 8:40 p.m.

Reconvene to Town Board meeting

Trustee Siewierski moved and Trustee Barzso seconded a motion to reconvene.

Roll call vote:

Yeas: Trustees Reiter, Corson, Barzso, Lanning and Siewierski

Nays: None

Absent: None

6-yea; 0-nay; 0-absent motion carried.

Meeting reconvened at 9:13 p.m.

Adjournment

Trustee Lanning moved and Trustee Siewierski seconded a motion to adjourn. Unanimous voice vote carried the motion. Meeting adjourned at 9:14 p.m.

Respectfully submitted,



Rita Nielsen
Deputy Clerk