

TOWN OF CORTLAND
Town Hall
59 S. Somonauk Road
Cortland, IL 60112
BOARD OF TRUSTEES
Committee/Business Meeting
May 9, 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 Brad Stone, Sandra Barzso, Mike Siewierski, Chuck Lanning, Randy Reiter and Doug Corson. Other officials present were Administrator Walter Magdziarz and Judge William Brady.

Agenda

Trustee Lanning requested adding discussion of disposal of a police squad car. Trustee Siewierski moved and Trustee Reiter seconded a motion to approve the agenda as amended to add item j. Discuss disposal of a police squad car. Unanimous voice vote carried the motion.

Public Wishing to be Heard

No one in the audience asked to speak.

Administration of Oaths

Judge Brady was present to administer the Oath of Office to the three (3) elected officials of the April 5, 2011 election. Judge Brady said he was glad to be in Cortland tonight to administer the Oath of Office and that he had good memories of Cortland as a previous Town attorney.

Judge Brady administered the Oath of Office to Brad Stone, Chuck Lanning and Susan Dockus.

Adjourn Sine Die

Meeting adjourned at 7:07. Roll call was taken by Deputy Clerk Rita Nielsen. Shown as present were Mayor Seyller, Trustees Doug Corson, Susan Dockus, Mike Siewierski, Brad Stone, Sandra Barzso and Chuck Lanning.

Everyone welcomed Trustee Dockus to the table and thanked Trustee Reiter for his service to the Town.

New Business

Approve a Hold Harmless Agreement between the Town and NeuCort Lakes Homeowners Association (Pedestrian Path)

Mr. Magdziarz stated that the pedestrian path that is under construction by the Town is not located on public right-of-way or a public access easement. Consequently, the property owner is liable for potential claims arising from persons using the path. Since the path serves a public purpose and the Town has not purchased the property, it is only fair for the Town to protect the

Approved: May 23, 2011

Attest: Cl, rc

property owner from possible claims. Per our insurance carrier, the protection the Town is providing with this Agreement applies only to persons using the path.

Mr. Magdziarz stated that this Agreement must be finalized before the Town continues with project.

Trustee Dockus asked that since this is private property being used for public interest, should the Town have a resolution to spend money on private property that is not within the corporate limits of the town, but is for a public purpose.

Mr. Magdziarz said a resolution by the Town Board is not necessary.

Trustee Lanning moved and Trustee Corson seconded a motion to approve the Hold Harmless Agreement subject to the approval of NeuCort Lakes Homeowners Association and review by the Town Attorney.

Roll call vote:

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

Nays: None

Absent: None

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

Approve a Hold Harmless Agreement Between the Town and Orville Olson (Pedestrian Path)

Mr. Magdziarz stated that the same Hold Harmless Agreement applies to Mr. Olson's property. He explained that Trustee Stone has been working with Mr. Olson and that while Mr. Olson has not requested this Agreement he thought it was necessary.

Trustee Stone moved and Trustee Lanning seconded a motion to approve the Hold Harmless Agreement subject to the approval of Mr. Olson and review by the Town Attorney.

Roll call vote:

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

Nays: None

Absent: None

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

Committee of the Whole

Town Administrator's Report

Mr. Magdziarz reported on the following:

Employee Health Insurance Benefits: We are looking at significant rate increases. He is waiting for the Town's insurance broker to provide information on options that have been requested and he will be bringing a recommendation to the Board for consideration. Mr. Magdziarz said that it may be the employees will have to share in costs.

IEPA Violation: Pertaining to the June 2010 violation of our wastewater permit, we received formal notification by the Illinois Pollution Control Board that a complaint was filed by the Attorney General's Office and they will be scheduling a hearing. Mr. Roy Harsch has been

asked to represent the Town in front of the Illinois Pollution Control Board in this matter. We expect to be fined and hope Mr. Harsch's experience will keep the fine to a minimum.

Nature's Crossing Update: Mr. Magdziarz reported that some Board members may remember that there were signs of erosion and sedimentation of protection measures in Nature's Crossing Subdivision. He has asked Fehr-Graham to investigate how the Town could correct it. We have been told that the IEPA will only let the permit holder (Eagle Homes) request a Notice to Terminate, and in the absence of the original permittee, the current owner is M&I Bank. Mr. Magdziarz will pursue this. Fehr-Graham was asked for direction concerning repair of detention basin No. 3 where the overland drainage from Dr. Young's property has severely eroded the bank of the detention basin. Fehr-Graham recommendation is to armor the basin with 6-8 limestone slabs for a terrace effect to not allow for further erosion. The cost should be no more than \$5,000. Trustee Lanning asked why there is a need for engineer involvement. He believes that Mr. Kocher could do the work necessary using riprap.

Water Tower repairs: Gateway Tank completed the water tower repairs last week. They tack welded all bolts in place and say the problem is repaired.

Operation and Maintenance building remodeling: Mr. Magdziarz had submitted to the table preliminary development plans for the remodeling of 250 S. Halwood St. He reviewed the plans with Trustees and asked that Trustees let him know if they have any questions or suggestions. It's possible to have final drawings back by the end of the month with bid documents ready by June 1.

FEMA: FEMA documents have been submitted and Mr. Magdziarz believes the Town may receive more than anticipated due to higher rates used by IDOT.

Local Government Distributive Funds (State Income Tax): Mayor Seyller attended Legislative Days in Springfield. It is expected that the State intends to reduce or eliminate Cortland's share of the state income tax money that the State collects. The reduction could cost the Town close to \$99,000. Several letters have been drafted and sent to our legislators. This is a situation that is in constant flux and Mayor Seyller and Mr. Magdziarz will keep everyone updated as they receive credible information.

All Department Reports are in the packet. If Trustees have any questions, please let him or the department head know.

Municipal Identity Protection Policy

This policy will be adopted pursuant to the Identity Protection Act to protect social security numbers from unauthorized disclosure and will become part of the Town Personnel Handbook. Consensus was to place on Consent Agenda for May 23.

Revised Cooperative Agreement for the DeKalb-Sycamore Area Transportation System (DSATS)

Mr. Magdziarz presented. This Agreement has been revised to add Cortland as a voting and financially contributing member. Presently, Cortland participates in DeKalb-Sycamore Area Transportation System (DSATS), but does not have voting rights. There are many transportation projects that will be receiving federal funding and DSATS will have recommendation authority over the funding of transportation projects, including transit and bicycle and pedestrian improvements. The Town was part of a transit survey where it could be considered part of the "gold route" that would provide shuttle service from Cortland to Sycamore and DeKalb. The expected cost is \$5,900 per year. Mr. Dockus asked if this amount is shown in the budget. Mr. Magdziarz said that \$5,900 is in the budget. Mr. Magdziarz stated that due to monies DSATS

received from IDOT, the Town's cost would only be \$600. Consensus was to place on Consent Agenda for May 23.

A Non-Exclusive License Agreement for the Installation of Underground Fiber Optic Facilities with the Public Right-of Way

Mayor Seyller stated that this is part of the \$14,000,000 funding from the State of Illinois to bring and develop fiber optics up Somonauk Rd. from Rte. 38. Mrs. Dockus referring to the Agreement asked what above ground facilities in the Agreement referred to. Mayor Seyller assumed that it meant encasements in the ground. Mrs. Dockus also asked about restoration afterwards. Mayor Seyller said that he doesn't think there have been any problems along the fiber optic installation route. Mrs. Dockus asked Mr. Magdziarz if the insurance guarantee means that the Town will be listed as an additional insured on if DeKalb Fiber Optics, LLC utilizes a third party contractor. Mr. Magdziarz said that it does. There was clarification that this does not give DeKalb Fiber Optics, LLC exclusive rights, only the right to use the Right-of-Way for their fiber optics. Consensus was to place on Consent Agenda for May 23. Mrs. Dockus asked that Mr. Magdziarz check on what above ground facility means.

A Development Agreement Between the Town and KCR, LLC

Mr. Magdziarz presented this Agreement, stating that the Town has been considering a TIF District for some time and has been approached by Kevin Dahl asking that the Town consider doing a TIF Study. Kevin Dahl would agree to pay for the study if the Town would agree to pay the first \$10,000, he would pay the remainder of the costs, these costs could be anywhere from \$30,000 to \$40,000, provided that his property would be included in the proposed TIF District. Mr. Magdziarz and Mayor Seyller agreed to meet and discuss terms of such an agreement with Mr. Dahl and his attorney. It is not unusual for a developer of property to benefit from incentives received from a TIF District. Mr. Dahl is asking for 75% of increments that would be received from property controlled by KCR. The Town would receive 25% of the TIF increments. The Town would also collect the \$10,000 from increments received. Trustee Siewierski expressed concern regarding past dealings that the Town has had with Kevin Dahl. Trustee Dockus expressed concerns regarding TIF's, specifically relating to a school districts loss of tax revenue. Mr. Magdziarz said that he has met with School Officials and they are not opposed to the Town developing a TIF District and taxing bodies can be part of the process. Mr. Magdziarz said that laws have changed on how schools receive increment monies. Trustee Barzso asked about tattoo parlors. Mr. Magdziarz said that tattoo parlors are mentioned in identifying what TIF money would not be used for. This item could be ready for the May 23 Board meeting. Mrs. Dockus asked that before it comes back for consideration the blanks are filled in, a legal description is in the Agreement and possibly include a boundary map of KCR Development property.

Professional Service Agreement Jacob & Klein, LTD

Mr. Magdziarz said that this Agreement is a "work in progress." This Agreement is only with the Town and would outline what services Jacob & Klein, LTD would perform in preparation of the plan and administration of the TIF District. All fees paid are reimbursable from the funds. Trustee Dockus asked questions regarding Jacob & Klein, LTD use of professional services of the Town's attorneys and engineers. Mr. Magdziarz said that he would anticipate that Ancel, Glink would review the documents in order for the Town to establish the TIF District and the engineers would be used to identify projects and estimates of projects under consideration. Mr. Magdziarz said Mick Gronewold of Fehr-Graham has indicated consideration in allowing

Trustee Stone said that a new tarp has been put over the festival stage. There will be a movie night in June (Yogi Bear) and other events planned. All the dates are in the Town's newsletter. He is also expecting to receive a check from the donations of the garage sales.

Trustee Siewierski welcomed Trustee Dockus to the Board.

Trustee Barzso asked what is being done with the handicapped ramps on her street. She questioned what could be done about a TV that is in a neighbor's yard (put out for garbage, but never picked-up) that was placed there after the garage sales. Mr. Magdziarz will check on this.

Trustee Barzso asked about the house [on Pine Street] where the house had been demolished. Mr. Magdziarz said ICCI did talk with the owner who says he is going to build a house. It has been a while, so Mr. Magdziarz will talk with ICCI and they will need to contact the owner again.

Trustee Lanning welcomed Trustee Dockus to the Board.

Adjournment

Trustee Siewierski moved and Trustee Stone seconded a motion to adjourn. Unanimous voice vote carried the motion. Meeting adjourned at 9:27 p.m.

Respectfully submitted:


Rita Nielsen
Deputy Clerk