

**TOWN OF CORTLAND**

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

**BOARD OF TRUSTEES**

**Business Meeting**

7:00 P.M.

August 25, 2008

**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, Trustees Shawn McAllister, Brad Stone, Mike Siewierski and Ben Suppeland. Shown as absent were Dan Milroy and Chuck Lanning. Quorum was present. Other officials present: Clerk Cheryl Aldis, Treasurer Susan Dockus, Attorney Parker Johnson, Chief of Police Stokes, Police Sgt. Medema, Superintendent Water/Wastewater Joel Summerhill, Director Operations and Maintenance John Kocher, Town Engineer Noah Carmichael, I.C.C.I. Gary Williams and Town Zoning Officer Walter Magdziarz.

Mayor Seyller presented a commendation to Chief Russ Stokes and Sergeant Dennis Medema for their emergency response to a Cortland fire on July 29, 2008. Chief Stokes, Sergeant Medema along with Scott Joyner of the Cortland Volunteer Fireman's Association, manned the hoses and got water on the fire prior to the arrival of other responding units.

**Agenda**

Trustee McAllister moved and Trustee Siewierski seconded a motion to approve the agenda as amended to remove the Town Board minutes of July 14 and Supervisor Job Descriptions to Pending Business, and table the Maple Park Boundary Agreement and the Development Agreement between the Town and Pinnacle Construction until September 15. Unanimous voice vote carried the motion.

**Consent Agenda**

Deputy Clerk, Rita Nielsen read the Consent Agenda  
Approve Town Board minutes, July 28 and August 11  
Accept Library minutes of July 16, 2008  
Accept Festival & Parade Committee minutes of July 9  
Approve Proposed Budget Amendment No. 1 for Town FY09  
List of Bills Paid for Town for July 2008  
Treasurer's Budget Report  
Accept Library Budget Report for June 2008  
Seminars/Class Policy Revisions

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

Roll call vote:

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

**Staff Reports**

**Attorney's Report**

Attorney Johnson presented his monthly report. Attorney Johnson reported that he has been working on the DeKalb County CUSD agreements with the Town, working on the NeuCort Lakes bankruptcy. He stated that he

has looked into the question as to whether or not the police department has the rights to enforce ordinances in the subdivision. He said that the answer is yes, the town does have the right to enforce ordinance violations.

### **Engineer's Report**

Mr. Noah Carmichael presented his report. He added that construction on Well #4 and Tower has begun. The town portion of the North Avenue Block Drainage is completed.

Trustee McAllister asked if there were any engineer drawings for Welsh Park. Mr. Carmichael said that Welsh Park does not have any engineering drawings. Trustee McAllister asked Mr. Kocher if drawings were necessary for installing donated equipment (Tunnel of Fun.) The consensus of the board was to let Mr. Kocher install the equipment where he felt it fit on the property.

Attorney Johnson was asked if there has been any news on the surety bond for Eagle Homes. Attorney Johnson said that Attorney Moelmann (who worked on the Town's behalf for the NeuCort Lakes bankruptcy) is the attorney for the bond company for Eagle Homes. He is recommending that the Town waive the conflict of interest. Attorney Johnson did not recommend the waiver and the Board took no action. He said the bond company has a contractor adjuster who will be coming here soon to meet with Noah to see exactly what is covered by the bond and look at the scope of work to be done. At that time the Town would enter into an agreement with Eagle Homes like it did with Neumann Homes.

### **Operations and Maintenance**

Mr. Kocher did not have a monthly report. He reported that Ellen Street storm sewer with 340 feet of pipe is complete except for handicapped portion at intersection. The North Avenue storm sewer project between Pine Street and West North Avenue is finished except for landscaping and work to be done by others. The flashing lights for school crossing are not working. John thought the problem in the programming and will look into this. He said the mowing company that the Town contracted with is doing an excellent job. Trustee McAllister was concerned that the window of opportunity will come and go for replacing a tree that was vandalized in McPhillips Park. Mr. Kocher said that he will replace the tree even if they have not received the compensation from the vandalized tree.

### **Water and Sewer**

Mr. Summerhill presented his monthly report. Mr. Summerhill reported that the new CCU (automatic meter readers) collection system will be shipped in the next couple of weeks. He reported that there were more disconnects this quarter than in the past. The Barber Green Lift Station was struck by lightning which struck a pole and blew apart the transfer switch. He has approximately \$6,000 expenses for insurance claim.

### **Zoning Administrator**

Mr. Magdziarz presented his monthly report. Mr. Magdziarz stated that there is not much happening at this time. Mayor Seyller informed the board that Ms. Klotz is no longer working for the Town, and Mrs. Lenczewski has been handling the permit desk.

### **Building Report**

Mr. Gary Williams presented I.C.C.I. report. Mr. William's presented a new "Monthly Status Report" that will report on maintenance issues and what the status of each complain is. He reported on the property at 107 E. Pine stating that they are in violation of the Court Order and he will wait 30 days to proceed. Trustee Suppeland and other Trustees felt that 7-10 days would be sufficient. Mr. Williams agreed to not wait 30 days, but move sooner on this.

### **Police Report**



Trustee Suppeland moved and Trustee McAllister seconded a motion to approve An Ordinance Granting a Special Use Permit for an Elementary School.

Roll call vote:

Ayes: Trustees McAllister, Suppeland, Stone and Siewierski

Nays: None

Absent: Trustees Milroy and Lanning

Motion carried.

ORD. NO. 2008-22

### **Recommendation PC08-11 (Zoning Ordinance Amendment)**

Mr. Magdziarz presented the recommendation starting that the Applicant intends to establish a body shop in one of the tenant spaces in Dan Walt's building at 300 W. Lincoln Highway. Body shops are permitted only in the industrial zoning districts. Mr. Magdziarz is also proposing several indirectly related amendments to create business development opportunities and to reorganize and clarify selected sections of the Zoning Ordinance related to motor vehicle uses. A Planning Commission hearing was held on August 18, 2008.

### **An Ordinance Amending Certain Sections of Title 9 (Zoning Ordinance) (Motor Vehicle Uses)**

Trustee Suppeland moved and Trustee McAllister seconded a motion to waive the first reading of An Ordinance Amending Certain Sections of Title 9 (Zoning Ordinance) (Motor Vehicle Uses). Unanimous voice vote carried the motion.

Trustee McAllister moved and Trustee Suppeland seconded a motion to approve An Ordinance Amending Certain Sections of Title 9 (Zoning Ordinance) (Motor Vehicle Uses)

Roll call vote:

Ayes: Trustees McAllister, Suppeland, Stone and Siewierski

Nays: None

Absent: Trustees Milroy and Lanning

Motion carried.

ORD. NO. 2008-23

### **Payout Request for Gateway Tanks**

Mr. Carmichael presented the payout request for Gateway Tanks. Stating that the pay request is for \$65,000 less 10% for a request of \$58,500. This is cost of engineering for Gateway. There is a letter of approval on file as well as engineering plans. The expectation for finishing project is 90 days from time started which would probably be around Thanksgiving.

Trustee Suppeland moved and Trustee McAllister seconded a motion to approve payout request for \$58,500.

Roll call vote:

Ayes: Trustees McAllister, Suppeland, Stone and Siewierski

Nays: None

Absent: Trustees Milroy and Lanning

Motion carried.

### **Pending Business**

#### **Town Board Minutes of July 14**

Clerk Aldis presented the minutes of July 14 with changes to the Maple Park Boundary Agreement discussion. After checking with Mr. Magdziarz she deleted and added a sentence that would make more sense and give clarity to roads and directions of roads that would be involved if agreement is reached.

Trustee Suppeland moved and Trustee McAllister seconded a motion to approve changes to minutes of July 14. Unanimous voice vote carried the motion.

### **Supervisory Job Changes**

Trustee Milroy has sent comments to the changes being made in the supervisory job descriptions. Mrs. Dockus reviewed the comments and responded to Trustee Milroy.

Trustee Suppeland moved and Trustee Siewierski seconded a motion to table these changes. Unanimous voice vote carried the motion.

**President's Report**

Mayor Seyller, reporting on the Sheaffer International system said that at this time he has directed that a punch list of concerns be sent to Sheaffer. He doesn't think a face to face meeting would be productive until we have a list of everything that has not been completed. Mr. Carmichael and staff are working on this list and it should be ready by next week. Trustee Siewierski stated that there should be a drop dead date with legal action to follow. Attorney Johnson said that is one possibility. Mayor Seyller said Mr. Carmichael speaks with Sheaffer daily and they owe it to us to fulfill the contract. He believes the longer it drags out the less inclined they will be to finish the project. This project was to be completed in 270 days and we are into our third year of construction. Trustee Suppeland expressed concerns regarding taking legal action. Trustee McAllister agreed that all options should be looked into. Mayor Seyller said there could be a closed session next meeting to discuss litigation.

Mayor Seyller reported that Neumann Homes has still not signed over the deed to the Town for Suppeland Park. They are talking with Neumann Homes attorney on this issue.

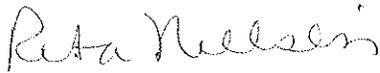
Mayor Seyller gave out information regarding a conference for energy conservation.

Mayor Seyller reported that 3 young men from Cortland were being deployed to active duty and Sergeant Madema attended a ceremony in Elgin where he presented Mr. Bryan Kelly, Mr. Nathaniel Myer and Mr. David Reo with a letter and a Town pin.

**Adjournment**

Trustee Lanning moved and Trustee Suppeland seconded a motion to adjourn. Unanimous voice vote carried the motion. Meeting adjourned at 8:15 p.m.

Respectfully submitted,



Rita Nielsen  
Deputy Clerk