

TOWN OF CORTLAND  
Town Hall  
59 S. Somonauk Road  
Cortland, IL 60112  
**BOARD OF TRUSTEES**  
Committee/Business Meeting  
**June 13, 2011**  
**7:00 P.M.**

**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, Mike Siewierski, Chuck Lanning, Susan Dockus. Shown as absent were Trustee Sandra Barzso and Doug Corson. Other official present was Administrator Walter Magdziarz.

**Agenda**

Trustee Lanning moved and Trustee Siewierski seconded a motion to approve the agenda as amended to include discussion on fees and reverse the order of items c and d under new business. Unanimous voice vote carried the motion.

**Public Wishing to Speak**

There was no one wishing to speak.

**Committee of the Whole**

PC11-6 Recommendation (Zoning Amendment)

Mr. Magdziarz presented Recommendation PC11-6. This is a Zoning Ordinance Amendment for outdoor storage in industrial districts. The Planning Commission held a public hearing on June 6, with no objectors present. The Commissioners agreed with the Zoning Administrator's proposal to eliminate the Special Use Permit requirement for outdoor activities associated with permitted industrial uses in the industrial districts and rely on performance standards to achieve community standards for any outdoor manufacturing, processing or assembly. After careful consideration the Planning Commission is recommending the Town Board adopt the proposed amendments of the Cortland Zoning Ordinance by amending Section 9-3-14-B-3 of the Zoning Ordinance as follows: All activities involving the storage or manufacture, assembly or processing of materials or products, except the parking of vehicles in operable condition, shall be within completely enclosed buildings unless if located out of doors (1) it is concealed by a solid wall or uniformly painted solid fence, not less than eight (8) feet in height, (2) no manufacturing, assembling or processing activities occur between the hours of 10:00 p.m. and 7:00 a.m., (3) any outdoor illumination used on the premises is directed downward, does not exceed one foot candle or lumen at the property line, and (4) complies with the standards for noise, dust, and vibration in the Town Code. Consensus of the Board was to place PC11-6 on June 27 Consent Agenda.

**Town Administrators Report**

Mr. Magdziarz report was in the packet. He touched on two areas of concern. Superintendent Summerhill's report regarding storm-related flooding and sewer back-ups states that the Memorial Day weekend rain storms overwhelmed the lift stations on Pine and North Avenues which resulted in sewer-backups in a number of homes in Cortland. Fortunately, the pumps in the Pine Avenue lift station were

recently replaced or the outcome would have been much worse. Mr. Summerhill's report states that the system pumped 1.9 million gallons through lift stations in 70 hours. The significance of this is our wastewater system is designed to process 1.5 million gallons per day. Staff visually inspected the lift stations during the storm and the water was crystal clear meaning it was rain water. Since the Town has a separate storm-sanitary sewer system, the only explanation for this amount of volume is illegal sump pumps and roof gutter downspout discharges into the sanitary sewer system.

It forces the pumps to operate under conditions they are not designed for, thereby reducing their life span, and the cost of operating the pumps continuously over 70 hours is an added expense to the wastewater operations. The additional flow is rainwater that does not need to be treated in the wastewater reclamation facility and the Town is running pumps and blowers for water that should not be in the system. We now have an additional 1.9 million gallons of water that did not require treatment that now needs to be irrigated.

Trustee Lanning stated that he Superintendent Summerhill, has asked, repeatedly for cameras to monitor overflow and has been denied. Trustee Lanning suggested that this would be an investment, but if the Town could identify the areas where there is overflow, maybe they could fix them.

Other suggestions were that because the problem area seems to be the older part of Town, inspections could be the answer to finding the sources.

Staff will continue to investigate options for reducing or eliminating the diversion of rainwater into the sanitary sewer system. Findings and recommendations will be brought at a future date.

Mr. Magdziarz also expressed concerns regarding the State of Illinois being 4-5 months behind in state income tax payments.

All other Department Reports were in the packet for Board review.

#### **Robinson Farm Playground Request**

Mr. Gavin Mark of 88 E. South Avenue; spoke to the Board regarding a request from the Robinson Farm Homeowners Association requesting the Town construct a basketball court at Cortland Community Park. Mr. Mark stated that they have youth who are playing basketball in the alleyways with moveable basketball hoops, causing damage to property which is not allowed in the Homeowners Association rules. The Association has been after them to stop this activity. They believe if there was a basketball hoop at the park they could direct them to go there to play. Mr. Magdziarz said that this is a simple request for a basketball hoop backboard at the park. The developer had donated 4 acres to satisfy the Town's requirement for park contribution, however the two lots on Walnut (that are included in the development agreement) to be used for a park have not been conveyed to the Town. The subdivider was not required to provide any park improvements to satisfy the parks requirement. The Town Board did not budget any funds for park improvements at the Community Park or any other park.

Mayor Seyller suggested the possibility of looking at installing a back board on one side of the skate park. Everyone agreed that this could be looked at as an option. Mr. Magdziarz will look into the costs and report back to the Board on June 27.

#### **Community Park Special Events Policy**

Mr. Magdziarz reported that the Town has been approached by 2 different entities that would like to hold special events in Cortland. One is the circus and the other is a sanctioned U.S. Kickboxing

competition. There are many concerns with allowing special events; insurance, security, parking, crowd control and other logistics that need to be addressed and we need to proceed cautiously. After considerable discussion regarding parking and damage to park property (land) it was the consensus of the board to pursue a policy, adding a clause that applicant is responsible for any restoration of the grounds, if necessary.

#### **Employee Health Insurance Options**

Mr. Magdziarz presented 4 options (raising deductibles) with an option for an employee to pay the difference to the higher premium through payroll deduction if anyone wants to keep the lower deductible. He stated that the Town's insurance broker looked to other insurance companies and recommended we stay with Humana. Mr. Magdziarz recommended option 4 (raising deductibles) be considered by the Board. He reported that renewal of the current health plan will increase by 24.6% and the Town only budgeted for a 10% increase. Mrs. Dockus went through options and found discrepancies in proposed options. She stated that the plan showed an additional two employees when there are only plans to hire one. Mrs. Dockus suggested that if there are no plans to hire a billing clerk then it should be removed from the proposal. When presenting figures based on fiscal year dollars Mrs. Dockus believes it would be a 1% increase over the 10% budgeted. Mayor Seyller said he believes if the Town can offer the same benefit without going over budget than he would agree to stay with the current plan.

#### **Wage & Benefit Scale**

Trustee Siewierski moved and Trustee Lanning seconded a motion to postpone to a future meeting. Unanimous voice vote carried the motion.

#### **MFT Bid Award**

Bids were received until and opened at 10:00 a.m. on Tuesday, May 24, 2011, for 2011 MFT Street Maintenance. All bids were tabulated and Peter Baker & Son Co. was the low bidder in the amount of \$88,111.30. Staff is recommending approval of, and award bid to Peter Baker & Son Co.

#### **KCR, LLC Development Agreement**

Mr. Magdziarz reported that this Agreement has the revisions the Board asked for setting the conditions under which KCR will fund the TIF study and the terms by which the developer would receive TIF increments to finance development of the property, provided they are in the proposed TIF district. KCR will fund up to \$30,000 of the project with the Town's participation being \$10,000. KCR's property would be included in the TIF district. If there is a development project, with a separate agreement, infrastructure costs are eligible for reimbursement at 75% with 25% being set aside for other projects. Mr. Magdziarz stated that anyone in the TIF district would be eligible to apply for monies in the fund and the TIF agreement runs with the land regardless of who owns it and the maximum length is 23 years. Mr. Magdziarz stated that this is only one agreement and there would be more. Mrs. Dockus raised concerns regarding the school district's willingness to allow TIF districts. Mr. Magdziarz said there has been conversation with the school administration and they are not in opposition with the TIF process. There have been changes in the law, and there are formulas in the State Statutes that are used to calculate the school portion of the TIF district. He explained that this is a cash flow process and not paid in a lump sum. The school district would only receive payment if there is residential development in the TIF district. Trustee Dockus would like to hear the opinion of the school district. Trustee Dockus also stated that a legal description and a map would be helpful.

**TIF Consultant Agreement (Ordinance Approving and Authorizing the Execution of a Professional Services Agreement for the Establishment and Administration of the Cortland Tax Increment Financing District by and Between Jacob & Klein, LTD and the Economic Development Group, LTD. And the Town)**

Mayor Seyller explained that this is the Professional Services Agreement with costs the Town would have to pay before it creates a TIF district. Mr. Magdziarz recommends Jacob & Klein, LTD stating that they Jacob & Klein, LTD take a conservative approach in terms of how to finance and structure within a TIF district. Trustee Dockus questioned section 1.3 that allows professional costs for attorneys and engineers that the Town would have to pay up front. When asked what happens if KCR, LLC does not pay the \$30,000 Mayor Seyller said Resource Bank has agreed to loan the money to the developer to pay their portion. Trustee Dockus still had concerns on what the impact is on the school and why we don't know that ahead of time. Mayor Seyller said there will be continuing talks with the school district. Trustee Dockus asked about the one year advanced notice to terminate the agreement. Mr. Magdziarz said that is true, but that once the TIF is established the Town will know if it wants to continue working with them. Trustee Dockus asked if bonds will be issued. Mr. Magdziarz said no, Jacob & Klein, LTD does not recommend bonds as an option.

**Discussion of Town Fees**

Trustee Lanning said Trustee Corson had questions regarding the Town's fee structure for permits. Trustee Dockus called DeKalb today and asked what a Special Use Permit would cost. They charge \$500. The question came up as to whether or not Mr. Magdziarz being on Town payroll now would still warrant the reimbursable fee schedule we use now. Trustee Lanning suggested that going after fees is not the answer and our fees should be competitive. Mr. Magdziarz said it's not unusual to consider negotiable fees for economic development. Fees do not have to be uniform.

**New Business**

**Approve 2011 MFT Bid Award**

Trustee Lanning moved and Trustee Dockus seconded a motion to approve bid for 2011 MFT work to Peter Baker & Son Co., in the amount of \$88, 111.30.

Roll call vote:

Yeas: Trustees Dockus, Lanning, Stone, and Siewierski  
Nays: None  
Absent: Trustees Corson and Barzso  
4-yea; 0-nay; 2-absent motion carried.

**Approve Purchase of 6x6 UTV for Wastewater Operations**

Trustee Dockus moved and Trustee Siewierski seconded a motion to approve the purchase of a 6x6 UTV for wastewater operations from Hogan Walker, LLC, Elburn, IL in the amount of \$11,577.00

Roll call vote:

Yeas: Trustees Dockus, Lanning, Stone and  
Nays: None  
Absent: Trustees Corson and Barzso  
4-yea; 0-nay; 2-absent motion carried.

**Approve TIF Consultant Agreement and Approve KCR, LLC Development Agreement**

Trustee Stone moved and Trustee Dockus seconded a motion to table for additional information until the June 27 Board meeting. Unanimous voice vote carried the motion.

**Approve an Ordinance Adopting Prevailing Wages Rates to be Paid to Laborers, Mechanics and Other Workers Performing Construction of Public Works in the Town of Cortland, DeKalb County, Illinois**

Trustee Siewierski moved and Trustee Lanning seconded a motion to approve an Ordinance Adopting Prevailing Wages Rates to be Paid to Laborers, Mechanics and Other Workers Performing Construction of Public Works in the Town of Cortland, DeKalb County, Illinois

Roll call vote:

Yeas: Trustees Dockus, Lanning, Siewierski and Mayor Seyller  
Nays: Trustee Stone  
Absent: Trustees Corson and Barzso  
4-yea; 1-nay; 2-absent motion carried.

**Adopt a Resolution of the Board Opposing the Proposed DeKalb County Legislative District Map (submitted to the table)**

Following the release of the 2010 U.S. Census populations counts, the DeKalb County Board is required to reapportion the County so that each member of the County Board represents the same number of inhabitants.

The Town Board of Cortland supports the placement of the entire Town into one legislative district. On May 12, DeKalb County Executive Committee submitted a map that divided the Town into three different districts. On June 7, 2011, representatives of the Town attended an Ad-Hoc Redistricting Committee meeting requesting consideration that the Town be placed into one DeKalb County Legislative District.

A letter was submitted to the table requesting the County Board reject the Newport Plan, or any proposed reapportionment plan that divides the Town.

Mr. Mark Pietrowski, who is leading the effort to oppose the Newport Plan, submitted to the table a copy of the (55 ILCS 5/2-3003) State Statute – Apportionment plan. Section c states that the county board **may** divide townships or municipalities only when necessary to conform to the population. Mr. Pietrowski said he has asked DeKalb County State’s Attorney’s Office to review the statute and determine if it would have an effect on the Newport Map.

Trustee Siewierski moved and Trustee Stone seconded a motion to adopt a Resolution of the Board Opposing the Proposed DeKalb County Legislative District Map.

Roll call vote:

Yeas: Trustees Dockus, Lanning, Siewierski, Stone and Mayor Seyller  
Nays: None  
Absent: Trustees Corson and Barzso  
5-yea; 0-nay; 2-absent motion carried.

Mayor Seyller thanked Mr. Pietrowski for his efforts.

**Concerns & Comments**

Trustee Dockus asked if Mr. Magdziarz has contacted the auditors to see if they would attend a Town Board meeting to answer Trustees questions regarding financial oversight and separation of duties. Mr. Magdziarz said the Auditor’s will be here in October to review the audits and that questions could be asked then. Trustee Dockus said she would still like to hear from them before October. Trustee Dockus also said that she has a couple questions for the Attorney and apparently everyone needs permission

from the Town Administrator or the Mayor to communicate with the Attorney. Mr. Magdziarz said this was put in place to save attorney fees.

Trustee Siewierski made the comment that he felt spelling [Scribner's errors] should just be handled through emails. Trustee Dockus said documents should be correct and this is her way of asking that they are corrected.

Trustee Stone thanked everyone for their efforts toward the redistricting map process. He reported that the Parade & Festival Committee is checking into the possibility of fireworks on August 12.

**President's Report**

Mayor Seyller received a thank you from Treasurer Mike Lamz for the memorial donation made by the Town after his father's passing.

**Adjournment**

Trustee Dockus moved and Trustee Siewierski seconded a motion to adjourn. Unanimous voice vote carried the motion. Meeting adjourned at 9:32 p.m.

Respectfully submitted:



Rita Nielsen  
Deputy Clerk