

TOWN OF CORTLAND  
Town Hall  
59 S. Somonauk Road  
Cortland, IL 60112  
**BOARD OF TRUSTEES**  
Business Meeting  
July 25, 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 Town Clerk Cheryl Aldis. Shown as present were Mayor Seyller and Trustees Sandra Barzso, Brad Stone, Susan Dockus, Chuck Lanning (arrived 7:05), and Doug Corson (Arrived 7:10). Shown as absent was Mike Siewierski. Quorum was present. Also present was Walter Magdziarz, Town Administrator.

**Agenda**

Trustee Stone moved and Trustee Barzso seconded a motion to approve the agenda as presented. Unanimous voice vote carried the motion.

**Public Wishing to Speak**

There were none present wishing to speak.

**Consent Agenda**

- Approve Town Board Minutes of June 27, and July 11, 2011
- Approve Treasurer's Report of June 2011
- Approve Expenditure Report of June 2011
- Accept Parade & Festival Committee Minutes of June 14, 2011
- Accept PC11-7 Recommendation (Special Use Permit for Motor Vehicle Impound Yard; 231 W. Stephenie Dr.)

Trustee Dockus moved and Trustee Corson seconded a motion to approve the consent agenda with the minutes of June 27 and July 11 amended and noting that document PC11-7 language has not yet been changed, it is not an amended Special Use Permit, but a new Special Use Permit and that Operations & Maintenance should be used in place of Streets and Maintenance in the Treasurer's Report for June 2011. The minutes were amended as follows: June 27 page 2, 2<sup>nd</sup> para: Trustee Stone moved ....to approve purchase and installation not to exceed \$900.00; monies to come from Restricted Asset Funds, Park Development park funds; page 5, President's Report 2<sup>nd</sup> line; ~~Mayor Seyller commented on an email forwarded to him by Trustee Barzso regarding a resident with a flooded basement. Trustee Barzso asked about an email sent to Mayor Seyller regarding a resident with a flooded basement.~~ July 11, 2011, page 3 5<sup>th</sup> para: Trustee Dockus stated that she had done a survey of ~~DeKalb County~~ Municipalities.....;

page 4 10<sup>th</sup> para should read: Trustee Barzso also thought the document should have an expiration date.

Roll call vote:

Ayes: Trustees Dockus, Lanning, Barzso, Corson and Stone

Nays: None

Absent: Trustee Siewierski

5-yea; 0-nay; 1-absent; motion carried.

Approved: August 22, 2011

Attest: RS

### Administrator Reports

Mr. Magdziarz reviewed the Water Reclamation and Reuse facility current issues. He stated the IEPA discharge renewal permit (IEPA) was submitted, the check has been cashed and we are operating as if the permit were in our possession. This renewal should be for a multi-year permit. We are irrigating and discharging to the limit of the permit. Mr. Magdziarz stated the others reports are self explanatory.

Annual IML Conference information was provided. Trustees were directed to let staff know if they are interested in attending so that registration could be submitted as quickly as possible.

Commendations – Officer Josh Duehning and Officer Kimberly Everhart have been acknowledged for their exceptional DUI enforcement and have been awarded Certificates of Appreciation by the Alliance Against Intoxicated Motorists.

Correspondence has been received from Chief of Police Bradley Sauer of Sugar Grove regarding the level of cooperation received by their department regarding burglaries of motor vehicles. “The assistance offered by both your Patrol Division and your Investigations Division, and in particular Detective Carls, made it possible to bring the case together. They are to be commended for their assistance and willingness to work with another agency. We seldom see this level of cooperation.”

Commendation from Chief Media – Chief Medema presented a commendation to Officer Kimberly Everhart for her role in an incident which occurred on Thursday, July 21.

Questions regarding department reports:

Police Dept report shows vehicle repairs – are these out of the ordinary? No, it was air conditioner work. What are/is an Accumulator or receiver dryer? They are air conditioner parts.

Finance Report – pg 1 what is a run rate?

Streets and Maintenance should be changed to Operations and Maintenance.

The Mediacom Franchise agreement expired last year. It has an automatic renewal. The town is waiting to hear from them. Our legal staff says the auto-renewal is not in their best interest. It has been dragged on until the renewal date – renewal doesn’t affect the town. The ball is in their court.

Regarding the Administrator’s report Streets and Maintenance should be Operations & Maintenance.

Regarding the IML conference – does the town have a position on travel and training? It is encouraged by the Mayor. Even in our current financial situation? Mayor Seyller stated that other opportunities may be limited after this conference dependent upon the level of interest.

Mr. Magdziarz reported that the Department of Agriculture reported that the Emerald Ash Borer has been discovered in Cortland. We will need to let the public know and prepare for what may need to be done for removal. He reported that he will be meeting with Dept of Ag later this week. He reported that he has watched some interesting webinars on the subject.

### Unfinished Business

#### Approve an Ordinance Fixing the Compensation of Appointed Officers of the Town of Cortland

Questions – at last meeting this was to be brought back for further discussion at the committee not a business meeting. The title of the section on the agenda is fixing the Compensation. The Wage and benefit includes everyone. It was determined that is item would be tabled to the August 8 meeting.

**New Business**

**Approve an Ordinance Granting A Special Use Permit to Establish and Operate a Motor Vehicle Impound Yard (231 W. Stephenie Dr.)**

Mr. Magdziarz reported the document has been redrafted to expire in 90 days unless the required legal description is provided; otherwise the document has a two-year expiration date. Mr. Magdziarz recommends approval.

Trustee Dockus stated that the brief legal description says it is lot 12; however it might be lot 14. The county tax records show lot 14. This should be verified before completion. Mr. Magdziarz stated he will verify the lot number.

Trustee Corson moved and Trustee Barzso seconded a motion to Approve an Ordinance Granting a Special Use Permit to Establish and Operate a Motor Vehicle Impound Yard (231 W Stephenie Dr.)

Roll call vote:

Ayes: Trustees Lanning, Dockus, Barzso, Corson, and Stone

Nays: None

Absent: Trustee Siewierski

5-yea; 0-nay; 1-absent; motion carried

**Ord 2011-16**

**Town Garage Bid Recommendation**

Mike Mathys of the Linden Group reported to the Board that the bid opening for the Town Garage project had taken place. There were 10 bidders. The projected project budget presented last fall for repairs and renovations was \$531,420.68. The lowest bid received was in the amount of \$560,950 from Carmichael Construction Inc. of Marengo, IL. The next lowest bid was \$568,000 submitted by Swedberg & Associates, Inc of Sycamore, IL.

Mr. Magdziarz reported when the decision was made by the Board to remove the police offices and town administrative offices from the building program the Board had expectations that the project budget would be considerably reduced. The bids received did not reflect that expectation. When combined with site improvement work which has yet to be bid and is estimated to cost \$150,000, the repurposing of this building is seriously over budget. The project architect believes he can wring out some cost savings with some additional value engineering.

Mr. Magdziarz further stated they have made some discoveries about the building. They are looking at a better mechanical system for better energy, vehicle wash bay, roof membrane systems on the south part of the building. However, both roofs are in bad shape, they need to be redone and include insulation. Mr. Mathys reported that the copings, flashings and gutters need to be upgraded. The roof has a clay tile coping system now that is jointed and is subject to moisture issues. Exterior awnings are needed to improve the exterior, approximate \$20,000 cost. Due diligence would be done with the two lowest bidders. The papers submitted have been reviewed. The office would have minimal aesthetics, painting, etc. They would swap out the plumbing fixtures and minor cleanup. We are required to supply ADA facilities (restrooms). There was discussion as to why they would be built in the garage area instead of changing the existing. Mr. Magdziarz stated the bathroom facilities are small in the grand scheme of things. The objective is to have a building that is done and turn-key ready. It was questioned if the building had been inspected prior to its purchase. The reply was it had been with emphasis on the structural components. They did not ask for a roof inspection because they knew the south end needed to be replaced. Mr. Mathys stated in regard to cost savings that the roof is not really negotiable. It is priority one. They will be looking in other areas to save money. Heating is gas fired in various areas. They plan to utilize that as best they can. In the future bring in radiant heat (grants might be possible).

Approved: August 22, 2011

Attest:     RW

Trustee Stone, in light of full disclosure stated that he is related to the Swedberg Construction family. He believes there is no conflict tonight but wished to bring it to everyone's attention.

Town staff recommends rejecting all the bids, waiving the competitive bid process, search for cost savings in the building program, and negotiate a price with a general contractor. The recommendation to the Board is that they move to reject all bids for the Barb City Grinding Building (250 S Halwood St) and move to waive the competitive bid process for 250 S Halwood St building remodeling. If the Board chooses this method a second recommendation is that the board authorizes the Mayor and Town Administrator to negotiate with the project architect for cost reductions in the building remodeling program and negotiate a price with the general contractor.

Trustee Lanning moved and Trustee Stone seconded a motion to reject all bids for the Barb City Grinding Building (250 S Halwood St).

Roll call vote:

Ayes: Trustees Stone, Lanning, Dockus, Corson and Barzso

Nays: None

Absent: Trustee Siewierski

5-yea; 0-nay; 1-absent; motion carried.

Trustee Lanning moved and Trustee Dockus seconded a motion to waive the competitive bid process for the Barb City Grinding building remodeling.

Roll call vote:

Ayes: Trustees Barzso, Stone, Dockus, Lanning and Corson

Nays: None

Absent: Trustee Siewierski

5-yea; 0-nay; 1-absent; motion carried.

Trustee Lanning moved and Trustee Corson seconded a motion to authorize the Mayor and Town Administrator to negotiate with the project architect for cost reductions in the Barb City Grinding building remodel (250 S Halwood St) and negotiate a price with a general contractor.

Discussion: Will the Operations & Maintenance department be a part of this process? The reply was "yes".

Roll call vote:

Ayes: Trustee Corson, Dockus, Barzso, Stone and Lanning

Nays: None

Absent: Trustee Siewierski

5-yea; 0-nay; 1-absent; motion carried.

**Approve an Ordinance Authorizing the Establishment of a Tax Increment Financing "Interested Parties Registry" and Adopting Registration Rules for Such Registries for the Cortland Tax Increment Financing District**

Mr. Magdziarz reported the purpose of this ordinance is to create a mailing list of interested parties to receive notices of projects or amended projects.

Mr. Stone asked if this means the Town is choosing an area.

Mr. Magdziarz replied no. The purpose is to create the list for notifications to keep interested parties in the loop.

Mrs. Dockus asked why this was not brought before the group on committee night, this and the next two ordinances. This is not following the normal practice of discussion and then approval.

Approved: August 22, 2011

Attest:     CW

Mr. Magdziarz stated that this is one part. It needs approval before we can do anything more. It needs to be done first to keep on the projected schedule.

Clerk Aldis asked questions regarding the text,

Page 1, Section 2: The Town Administrator, is hereby authorized....it was suggested that the language could say the Mayor or his/her designee. If the Town Administrator position were to ever be eliminated this document would then not need to be amended for that purpose.

Page 1, Section 3: 4<sup>th</sup> line Counsel, Jacob & Klein, Ltd., as to form and .....It was suggested that the language could include "or their successors" in the event they were no longer the TIF counsel this document would then not need to be amended for that purpose.

If those changes were to be accepted then Exhibit A would need adjustment of definition of Administrator.

Interested Parties definition – it was asked if the language was straight from the Act. If not, then the subsections (a), (b) and (c) should have the word "or" added as the language now states you must do all three. Clerk Aldis does not believe that is the intent based upon the language.

Registration Form definition – Clerk Aldis asked who is the "Department".

Exhibit A, page 2, item G Renewal and Termination 2<sup>nd</sup> line (3) year period, the Administrator may.....why not shall in order to be consistent through time? 11<sup>th</sup> line, Regulation Rules shall be **reviewed** for an additional...this should most likely be renewed for and additional....18<sup>th</sup> line, are not corrected within thirty (30) days **or** the .....should most likely say of the....

Trustee Lanning moved and Trustee Barzso seconded a motion to approve An Ordinance Authorizing the Establishment of a Tax Increment Financing "Interested Parties Registry" and Adopting Registration Rules for Such Registries for the Cortland Tax Increment Financing District subject to TIF District attorney's review of the Town's questions.

Roll call vote:

Ayes: Trustees Stone, Dockus, Lanning, Corson and Barzso

Nays: None

Absent: Trustee Siewierski

5-yea; 0-nay; 1-absent; motion carried

**Ord 2011-17**

Mayor Seyller announced there will be a public meeting on Monday, August 22 at 6 p.m. at the Cortland Town Hall, 50 S Somonauk Rd, Cortland, IL for the proposed Cortland TIF District.

**Approve an Ordinance Amending the Cortland Town Code Providing for Liquor Control Regulations**

Mr. Magdziarz reported that this ordinance amendment is in response to a request from one business for outdoor entertainment on a limited basis. While the current ordinance allows for recorded music in an outdoor area for ambience the business would like to have live or recorded music with outdoor restaurant seating. This would still require a supplemental outdoor live entertainment permit.

There was discussion regarding the fee structure of permits; the cost of a license is lower for a business with someone serving on a premises than where no serving is allowed; rental property, the premises is only rented for the interior, how will that be handled? The fee structure of 3-9-14 Classification of Licenses; Fees, B Outdoor Restaurant Liquor Sales, #6 was discussed. It was suggested that the fee should be annual, based on a calendar year for this item as well as C Live Entertainment Permit.

Trustee Stone moved and Trustee Corson seconded a motion to approve An Ordinance Amending the Cortland Town Code Providing for Liquor Control Regulations as amended to include "an annual fee

(calendar year)" in 3-9-14 Classification of Licenses; Fees, B Outdoor Restaurant Liquor Sales, #6 and, C Live Entertainment Permit.

Roll call vote:

Ayes: Trustees Dockus, Lanning, Barzso, Corson and Stone

Nays: None

Absent: Trustee Siewierski

5-yea;, 0-nay; 1-absent; motion carried.

**Ord 2011-18**

**Approve an Ordinance Amending the Town Code (Streets and Maintenance Department)**

Mr. Magdziarz presented the ordinance.

Trustee Dockus asked who wanted this change. Mr. Magdziarz stated he did as he feels it more accurately represents the department. Regarding the definition of maintenance, what does it refer to? All buildings and facilities, parks, sidewalks, detention/retention areas. Operations-you are only going to fix, maintenance is only maintaining. Mr. Magdziarz stated he felt it was a more descriptive phrase of what the department is doing.

Mayor Seyller asked the cost of changing the department name over by this proposal. Are we spending money wisely with logos on shirts, trucks, etc? He stated there will be financial cost.

Roll call vote:

Ayes: Trustee Lanning, Barzso, Corson and Stone

Nays: Trustee Dockus

Absent: Trustee Siewierski

4-yea; 1-nay; 1-absent; motion carried.

**Ord 2011-19**

**Liaison Reports**

**Operations & Maintenance – Chuck Lanning**

Mr. Lanning stated that Mr. Kocher has been fantastic in getting Festival items accomplished.

**Festival/Parade – Brad Stone**

Mr. Stone submitted to the table an overview of Movie Night expenses and proceeds. They netted \$62.73.

Mr. Stone asked the board to authorize the transfer of \$7000 to the DeKalb County Community Fund to cover expenses of Cortland Fest. The consensus of the Board was to transfer \$10,000.

Mr. Stone reported that banners are being made by Johnson's Canvas –The Sign Shoppe in DeKalb did the graphic work. O'Donnell Crane dug holes for receiver poles for the banner; should have banners up by end of week.

In response to fireworks questions Mr. Stone stated he is working on insurance questions. It was stated that people can sit in driveway and watch fireworks. In response the same can be said about listening to music. The purpose of the fireworks is to highlight the 30<sup>th</sup> anniversary of the parade. If approved, the display would be on Saturday the 13<sup>th</sup>.

Consensus of the board was to not have a fireworks display.

**Sewer/Water/Utilities – Brad Stone**

The most recent storm took out two pumps, the electrical panel, and transformer at the lift station on Barber Greene Road. ComEd has changed transformer, the town is continuing to work on replacement parts. The surviving pump is operating, however, manual operations are taking place. Flow-Tronics was directed to document everything they do.

Planning Commission – Chairman Brad Lawson

Next Meeting: Wednesday, August 1, 2011

Airport Advisory – Chuck Lanning

Approved: August 22, 2011

Attest:     RW

The Fourth Annual Veteran Weekend will be held July 29, 20 & 31, 2011 at De Kalb Taylor Municipal Airport.

**President's Report**

Mayor Seyller reported on the police situation this past week. He stated they did a fine job under extreme conditions.

**Concerns / Comment**

Mr. Corson asked if donations were received for fireworks could they still be held. He was told the Board would be required to vote on the subject according to Town Code.

Mr. Stone reported that he had been observing the pavement on Somonauk Rd south from North St to Rte. 38 and wondering about maintenance of that area.

Ms. Barzso asked what happened at status hearing today (Illinois Pollution Control Board). Mr. Magdziarz stated he has not heard. According to DeKalb Sanitary District (DSD) they are objecting to the irrigation in their FPA; loan application for irrigation project. They were not party to the Intergovernmental Agreement with the City of DeKalb and the Airport in 2009, they are the alternative to our wastewater problems. While the town can respond to the objection, the EPA will likely give a loan, DSD may make the Town's life miserable.

Mr. Magdziarz reported the DSD is under the impression that they have an FPA boundary and the Town cannot go in there. The Town found when establishing its own FPA that we could irrigate anywhere, even in someone else's FPA because it is not creating a demand on their system. The EPA no longer uses the FPA system as a control for anything. In the EPA's mind the whole discussion is immaterial to this discussion.

Ms. Barzso asked if anyone has spoken with the grain company regarding the looks of the area.

EPA permit extension was granted. Fees have been paid, check has been cashed. This is a standard renewal, conditioned on maximized irrigation.

Union Drainage District – does that get renewed? Noah Carmichael is checking into this and will report back. Drainage district is working on a couple of projects – they were looking for information adjacent to their projects.

**Adjournment**

Trustee Barzso moved and Trustee Stone seconded a motion for adjournment. Unanimous voice vote carried the motion. The meeting adjourned at 9:50 p.m.

Respectfully submitted,



Cheryl Aldis  
Town Clerk