

TOWN OF CORTLAND

Town Hall

59 S. Somonauk Road

Cortland, IL 60112

**BOARD OF TRUSTEES**

Committee/Business Meeting

**December 12, 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 Clerk Cheryl Aldis. Shown as present were Mayor Seyller and Trustees Chuck Lanning, Susan Dockus, Sandra Barzso, Mike Siewierski, and Brad Stone. Trustee Doug Corson was absent. [Clerk's Note: Mr. Corson was called away on an emergency.] Quorum was present. Other officials present were Administrator Walter Magdziarz and Treasurer Mike Lamz.

**Approval of Agenda**

Trustee Dockus moved to include Unfinished Business with three items; a. Health Insurance, b. Utility Billing Allocation, and c. Town Personnel Training Reports. The motion was seconded by Trustee Barzso and carried on unanimous voice vote.

**Public Wishing to Speak**

Barbara Coward, Cortland Community Library Director addressed the board regarding the proposed TIF District. She stated that she was impressed at the hearing. The people from the fire department presented logical, concise and good information. She agrees mostly with the point that they need staff money. A 23 year TIF district, although allowed by law, is a long time. The law allows the town to provide monies to other units of government for capital improvement. She believes that is with good intentions. Down the road when the Town Board has money in TIF the accounting procedures with GASB may inhibit good intentions. It is most likely that TIF will bring more commercial than residential. This scenario will not bother the library very much. Residential impacts the library greatly due to more use. Unlike the library the fire department need to protect even an empty building. With regard to the Cortland Community Library Levy she asked what is the levy amount presented tonight. The response was \$265,000. Mrs. Coward stated that \$265,000 is the amount the Library Board asked for and this Board is lawfully required to pass the amount as requested.

**Consent Agenda**

Trustee Dockus asked that the Treasurer's Report of November, 2011 be moved to Unfinished Business for discussion. Trustee Lanning moved and Trustee Barzso seconded a motion to move the Treasurer's report of November, 2011 to Unfinished Business. Unanimous voice vote carried the motion.

Clerk Aldis read the consent agenda for the record.

Expenditure Report of November, 2011

Approve Minutes of November 28, 2011

Accept Library Minutes of November 16, 2011

Trustee Dockus moved and Trustee Lanning seconded a motion to approve the Consent Agenda as read.

Roll call vote:

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

Nays: None

Approved: January 23, 2012

Attest: \_\_\_\_\_

Absent: Trustee Corson  
5-yea; 0-nay; 1-absent; motion carried.

### **Unfinished Business**

#### **Health Insurance Comparison**

Trustee Dockus presented a Health Insurance Comparison which she stated she would provide to the Board. She stated that she had asked that this be brought to the board for the record. This comparison is coverage for all variables of health insurance that the Town pays and what employees are expected to pay.

#### **Utility Billing Allocation**

Trustee Dockus stated that she has asked many times where the revenues are shown in the general fund for this allocation. Treasurer Lamz says they are shown in reimbursements. The allocation goes there. Trustee Dockus asked how the Board can justify this expense without budget authority. Treasurer Lamz stated the allocation is completely justified because the position exists. The allocation will be adjusted with a budget amendment.

Trustee Dockus's concern is that the allocation transaction has a zero budget and that does not constitute budget authority.

#### **Town Personnel Training Reports**

Trustee Dockus stated that the Mayor said he was going to schedule reports of personnel who had been to training.

Mr. Magdziarz asked if they are training for a specific job why would it be necessary for the Board to hear these reports.

She stated she felt if the town pays for people to go they should report whether they got something out of the training or if it was not worth their time. They would not have to come in person but a brief written report would accomplish the same thing.

When Mayor Seyller asked the Board's opinion Trustee Stone stated he is not interested in hearing from staff only from Board members who attend trainings. Trustee Siewierski would like something put in the reports about the training. Trustee Lanning stated he pretty well knows what they are doing. If it is something that would impress the board they should report. He would have liked to know about the management class from Effingham. Trustee Barzso stated including information in their reports and elaborate a bit on what their opinion was on the training. Board members should elaborate on their training if they go.

When the Mayor asked about when a report from the IML Conference would be expected the answer was in January.

#### **Treasurer's Report November, 2011**

Trustee Dockus stated that she had asked several times that the source of loan funds be included in the report. They are still not there. She asked if there is a reason that this is not being done; information not being conveyed.

Treasurer Lamz stated there is no need for the information to be in the monthly reports.

Trustee Dockus stated the information is in the budget – every month you get loan amount, it does not say where the money is coming from. This is useful information to have in the report. This would be adding information – not changing the formatting. This is helpful information.

Treasurer Lamz stated this report is a debt schedule and by adding the source information makes the document something else.

Consensus was to leave the document alone; source of funds will not be included.

Page 17 of the treasurer's report had a number that was incorrect. This report was corrected and submitted to the table.

When asked about an expenditure entry for the postage machine coded to Streets and Maintenance department it was noted a journal correction has been made to show it to the Administration code.

Trustee Lanning moved and Trustee Barzso seconded a motion to accept the Treasurer's Report November 2011 as amended. Unanimous voice vote carried the motion.

### **Committee of the Whole**

#### **Town Administrator's Report**

Mr. Magdziarz gave a progress report for the Town Garage building. He stated that the new NICOR meter is still unresolved as of today. Swedberg's substantial completion was to be December 9; it has not been confirmed if that date was met.

Restoration work at Nature's crossing detention basin has been done. There is a new development in Nature's Crossing; Dr. Young has let the designated park lot and other land go to tax sale. Mr. Magdziarz reported that he is attempting to get the deed for the park lot, located at the corner of Bluebell and Winterberry; approximately 1 acre of land. It was to have a gazebo built on it.

TIF was going to be on the agenda tonight; that has been postponed. The plan is to stick with the 23 years allowed by law. If all goes well the Town can terminate early if it is finished. It takes a long time for development to occur and for the development to benefit as well.

The Lions Club 5K race was held in November; comments from participants were very positive. The revised route worked better for all involved by providing less hardship on the residents for road closures during the race.

Economic development opportunities are being explored in Cortland, both residential and commercial. There has been a lot of conversation just gathering information for the future. Mr. Magdziarz stated given the current state of the economy there still are people looking for opportunities to do something. The builder of the dollar general store is waiting for the TIF as he would like to build another building.

Electric aggregation – Mr. Magdziarz stated we should select a consultant to help with education. This will hopefully be a January item.

Trustee Siewierski asked if there are any other options for cable television. He stated that costs from Mediacom have gotten very expensive and HD TV through an antenna does not work in Cortland. Mr. Magdziarz stated that he has had a number of residents asking the same type of questions. He is researching the information but is not hopeful. [Trustee Dockus later provided the statute which states

that the Library's levy is separate from the municipality, specifically: The library taxes provided for in the Article are in addition to all other taxes or tax rates authorized to be levied by any city, incorporated town, village or township and shall not be a part of the taxes making up any rate prescribed as a limitation on the amount of taxes an city, incorporated town, village of township may levy. 75 ILCS 5/3-6]

#### **All Other Department Reports**

Trustee Dockus commented on the free emergency preparedness training for Joel and his staff in Anniston, Alabama. Trustee Dockus asked why we are moving buffalo boxes out of sidewalks. At one time some staff members said they were better in sidewalk as they would be more stable. Mr. Magdziarz stated it has been shown that sidewalks move most frequently and are causing damage to equipment.

Trustee Dockus commented on the fall leaf collection and yard waste collection with the hopes of returning compost to residents in the spring. She stated she believes this is a good plan. She asked if we will try to expand on that for the spring and next fall.

Mr. Magdziarz stated the yard waste collection was a pilot program. It was very well used and more volume than the vendor could handle; Bingham Family Farms. If this is to continue the Board would need to contract with a vendor to handle the volume.

#### **New Business**

Trustee Lanning moved and Trustee Siewierski seconded a motion to amend the agenda to move New Business item j to a and adjust all others down accordingly. Unanimous voice vote carried the motion.

#### **Approve Tax Levy Ordinance for Town and Library**

Clerk's Clarification – October 26, 2011 Cortland Community Library Board minutes were corrected to show that the Library Board had approved a levy request of a total amount of \$265,000 for FY13. The corrected minutes were accepted by the Town Board of Trustees on November 28, 2012; however, the packet for tonight included the original and not the corrected minutes. The corrected minutes were and are on file, a copy submitted to the table tonight for reference.

Treasurer Lamz reported that the Library levy was recalculated today – a new document was submitted to the table. The revised Library copy shows the \$265,000 levy and the town's levy remains the same as submitted for the packet by the Treasurer.

Trustee Dockus stated the documents provided are not the proposal approved by the Board as voted on November 14, 2011. The library levy is now as requested but the town's levy has been reduced (IL Local Library Act 75 ILCS 5/3-6).

Treasurer Lamz stated the town's levy has been decreased because the library levy was increased.

The expected maximum \$593,646 levy would be available to the town if the EAV and new property are finalized as estimated; the treasurer is proposing \$593,800 based on actual EAV's at this point. He further stated the county emailed last week and stated these were final numbers.

Mayor Seyller stated that this has been a gray area in past years with the county's estimates. The Town has always asked for more so that when the finalized numbers came in the maximum amount of levy

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Attest: \_\_\_\_\_

could be achieved. The County, per the treasurer, is presenting finalized numbers at this time. The mayor stated the town is bound to a certain percentage of total levy between the library and the town. This is the understanding of the administrator and the treasurer. If the library and town each asked for the maximum can they both achieve it? They were told no by unnamed persons.

There is a high likelihood that the town will receive what it is projecting. County will make necessary adjustments.

Trustee Dockus stated that she had copied articles from the internet and newspaper showing that it is common practice to approve a higher levy so that the maximum is possible when the estimated numbers are finalized in April. This board approved a request for \$599,400 for the town's levy that should have been presented tonight. If there is discussion after it is presented it could be changed at that point prior to approval. The treasurer did not follow the directive of the Board.

Mr. Magdziarz asked the Board what is fairer to the taxpayers, asking for the approved amount or what we think we will get? In an environment of falling EAV's the former approach was the rational approach. But with falling EAV's the likelihood of capturing more revenue is not positive.

Trustee Siewierski moved to waive the first reading, seconded by Trustee Lanning. Unanimous voice vote carried the motion.

Trustee Siewierski moved to Approve the Annual Tax Levy Ordinance for Town and Library, seconded by Trustee Lanning.

Roll call vote:

Yeas: Trustees Lanning Siewierski, Barzso and Stone

Nays: Trustee Dockus

Absent: Trustee Corson

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

**Ord No 2011-26**

#### **Personnel Policy Amendment: Definition of Work Week and Overtime**

Mr. Magdziarz stated that the work week definition for all departments being the same, as agreed to November 14, will not work. He could not include the police department as they have a different set of rules. In the document in the packet for employees other than police department the work week period was changed to Sunday 12:01 through Saturday Midnight.

There was a discussion regarding employees being paid overtime for holidays and weekends. The minutes of November 14, as approved, were reviewed for language. The proposal as presented does not pay overtime for holidays and weekends. Discussion ensued.

#### **OVERTIME (as presented in 12-12-2011 packet)**

**(B) Personnel Other than Sworn Police Officers:** Overtime is defined for purposes of this Handbook as time worked in excess of 40 hours in a defined work period week. ~~and work on Saturdays and Sundays as such.~~ Employees whose positions are eligible for overtime (i.e., non-exempt employees) are expected to adjust their workday hours within the regular period week such that they work a maximum of 40 hours per week, unless overtime is unavoidable. Except in an emergency, overtime must be approved in advance by the Department Head or supervisor. Overtime is to be paid at one and one-half times the employee's regular straight-time rate of pay. ~~For purposes of this paragraph, "time worked" includes, in addition to hours actually worked, hours for which an employee is paid on account of holidays observed in accordance with the Holidays policy set forth below and hours for which an employee is paid in accordance with the policies set forth here concerning Personal Days, Sick Leave, Vacation and Bereavement Leave.~~

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At the conclusion of discussion it was determined that the proposal as presented and shown above would have the additional language; **Hours worked on observed holidays shall be paid at overtime rate.**

Consensus was achieved with this change.

Overtime pay for weekend work will be worked out with the Department Heads or Supervisors and will not be guaranteed by policy.

Trustee Siewierski moved to approve the proposed Personnel Policy defining Work Period and Overtime as amended; seconded by Trustee Stone.

Roll call vote:

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

Nays: None

Absent: Trustee Corson

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

#### **Liability Insurance Approval**

Mr. Magdziarz reported that Treasurer Lamz had worked with a broker on renewal for liability insurance. The overall premium increase is 15.8% with 11.32% of the increase reflecting policy additions during 2011; i.e., new town garage, new SUV and other equipment. The actual premium increased 4.48%. The insurance carriers include Traveler's, Illinois Public Risk Fund, Inland Marine and Hanover.

Trustee Siewierski moved and Trustee Lanning seconded a motion to the proposal from Assurance Agency for the Town's General Liability, Property, Equipment, Workman's Compensation and other Town properties and liabilities. Policies are effective December 31, 2011 through December 31, 2012.

Roll call vote:

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

Nays: None

Absent: Trustee Corson

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

#### **Approve An Ordinance Abating SSA Taxes for SSA No. 1 and Approving the Amended Special Tax Roll**

Trustee Lanning moved and Trustee Barzso seconded a motion to waive the first reading. Unanimous voice vote carried the motion.

Trustee Lanning moved and Trustee Barzso seconded a motion to approve An Ordinance Abating SSA Taxes for SSA No. 1 and Approving the Amended Special Tax Roll.

Roll call vote:

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

Nays: None

Absent: Trustee Corson

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

**Ord No 2011-27**

#### **Approve An Ordinance Abating SSA Taxes for SSA No. 4 and Approving the Amended Special Tax Roll**

Trustee Lanning moved and Trustee Barzso seconded a motion to waive the first reading. Unanimous voice vote carried the motion.

Trustee Stone moved and Trustee Lanning seconded a motion to Approve An Ordinance Abating SSA Taxes for SSA No. 4 and Approving the Amended Special Tax Roll.

Roll call vote:

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

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Attest: \_\_\_\_\_

Nays: None  
Absent: Trustee Corson  
5-yea; 0-nay; 1-absent; motion carried

**Ord No 2011-28**

**Approve An Ordinance Abating SSA Taxes for SSA No. 7 and Approving the Amended Special Tax Roll**

Trustee Lanning moved and Trustee Stone seconded a motion to waive the first reading. Unanimous voice vote carried the motion.

Trustee Siewierski moved and Trustee Barzso to Approve An Ordinance Abating SSA Taxes for SSA No. 7 and Approving the Amended Special Tax Roll.

Roll call vote:

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

Nays: None

Absent: Trustee Corson

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

**Ord No 2011-29**

**Approve An Ordinance Abating SSA Taxes for SSA No. 8 and Approving the Amended Special Tax Roll**

Trustee Lanning moved and Trustee Siewierski seconded a motion to waive the first reading.

Unanimous voice vote carried the motion.

Trustee Siewierski moved and Trustee Stone seconded a motion to Approve An Ordinance Abating SSA Taxes for SSA No. 8 and Approving the Amended Special Tax Roll.

Roll call vote:

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

Nays: None

Absent: Trustees Corson

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

**Ord No 2011-30**

**Approve An Ordinance Abating SSA Taxes for SSA No. 9 and Approving the Amended Special Tax Roll**

Trustee Lanning moved and Trustee Barzso seconded a motion to waive the first reading. Unanimous voice vote carried the motion.

Trustee Siewierski moved and Trustee Barzso seconded a motion to Approve An Ordinance Abating SSA Taxes for SSA No. 9 and Approving the Amended Special Tax Roll.

Roll call vote:

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

Nays: None

Absent: Trustee Corson

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

**Ord No 2011-31**

**Approve An Ordinance Abating SSA Taxes for SSA No. 10 and Approving the Amended Special Tax Roll**

Trustee Lanning moved and Trustee Barzso seconded a motion to waive the first reading. Unanimous voice vote carried the motion.

Trustee Siewierski moved and Trustee Barzso seconded a motion to Approve An Ordinance Abating SSA Taxes for SSA No. 10 and Approving the Amended Special Tax Roll.

Roll call vote:

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

Nays: None

Absent: Trustees Corson

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

**Ord No 2011-32**

**Software License and Service Agreement (Police Department Software)**

Mr. Magdziarz stated the recommendation was to approve the documents pending legal opinion. Since that writing legal has approved the contract language. It is noted there is no expiration date in the contract, it is year to year.

Trustee Lanning moved to Approve a Contract and Maintenance Agreement as submitted; seconded by Trustee Dockus.

Roll call vote

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

Nays: None

Absent: Trustee Corson

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

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**Comments/Concerns**

Trustee Lanning asked if there will there be lights in that building (new town garage)? They do not appear to be sufficient. Bathroom heat? Mr. Magdziarz replied that one bathroom designated for females will not be heated at this time. The plan was to get electric baseboard heat in both bathrooms. This has been cut from the women's bathroom at this time.

Trustee Lanning asked when we will realize the sales tax increase. It was reported that collecting begins in January so we should receive receipts between April and June.

When discussing the proposed TIF Trustee Lanning stated that one side of him is all for it. After the fire department issues were brought forth he believes the town really should discuss the subject a couple more times before it is voted on.

Trustee Stone asked if the corner lot in his neighborhood has been looked at and reviewed through ordinance regarding where trailers can be parked.

Trustee Siewierski asked what the main concern of the Fire Department regarding the proposed TIF. Mayor Seyller reported that the Fire Protection District is no longer contracting with the City of DeKalb for ambulance service. Their concern is they would not receive any new money if development happens. They stated that they need the funds in order to make payroll. The mayor stated the Cortland Fire Protection District needs to make payroll within the district not just in corporate Cortland. Education will help in understanding the process of TIF dollars.

Trustee Dockus questioned if SSA ordinances are to be included with the town levy amounts in the truth in taxation statement.

She asked if the Special Use Ordinance issued for the towing business is active.

Mr. Magdziarz reported that he has seen cars and a tow truck there. The office is being remodeled. He does not know if they are formally in business. He believes they are in operation. They are watching the processes.

**President's Report**

There was no report given.