

TOWN OF CORTLAND
Town Hall
59 S. Somonauk Road
Cortland, IL 60112
BOARD OF TRUSTEES
Committee/Business Meeting
July 23, 2012

Call to Order / Pledge of Allegiance / Roll Call

Mayor Seyller called the meeting to order at 7:01 p.m. Roll call was taken by Deputy Clerk Rita Nielsen. Shown as present were Mayor Seyller and Trustees Brad Stone, Sandra Barzso, Susan Dockus and Mike Siewierski. Trustee Doug Corson and Chuck Lanning were absent. Quorum was present. Other officials present: Clerk Cheryl Aldis, Administrator Walter Magdziarz, Treasurer Mark Davenport and Engineer Noah Carmichael.

Agenda

Trustee Siewierski moved and Trustee Dockus seconded a motion to approve the agenda amending it to remove Unfinished Business, item a. Unanimous voice vote carried the motion.

Public Wishing to Speak

No one present wished to speak.

Deputy Clerk Nielsen read the consent agenda into the record.

Consent Agenda as Approved

- Approve Town Board Minutes of June 25 and July 9, 2012
- Approve Treasurer's Report for May 2012
- Approve Expenditure Report for May 2012
- Accept Minutes for Cortland Community Library February, March, April, May and June 2012
- Accept Parade & Festival Committee minutes for June 5 and June 19, 2012

Trustee Dockus moved and Trustee Siewierski seconded a motion to approve the consent agenda as amended to remove April 2012 Treasurer's Report and change date of Festival & Parade Minutes to June 19.

Roll call vote:

Yeas: Trustees Barzso, Stone, Siewierski and Dockus

Nays: None

Absent: Trustees Corson and Lanning

4-yea; 0-nay; 2-absent

Motion carried.

Approve Payout No. 3 to Swedberg Associates for Town Garage

This is a final payout request that was presented as Payout Number 2 at the July 9 meeting. Mr. Magdziarz explained that there had been 2 previous payouts, so this is Payment Number 3. Trustee Dockus stated that the expenditure report for November shows a payout, but as far as she could tell Payment Number 2 was never approved by the Town Board.

Approved: August 27, 2012

Attest: Clayte

Trustee Dockus moved and Trustee Barzso seconded a motion to approve Payout No. 3 to Swedberg Associates for Town Garage.

Roll call vote:

Yeas: Trustees Dockus, Siewierski Stone, and Barzso

Nays: None

Absent: Trustees Corson and Lanning

4-yea; 0-nay; 2-absent

Motion carried.

Approve Town Code Amendment Sidewalks

Mr. Magdziarz presented this Ordinance explaining that he consulted with the Town Attorney after the discussion that took place on July 9 regarding the Town requiring the property owner to repair their sidewalks. Attorney Parker Johnson has given his opinion by email and states that the Town Ordinance requiring the property owner to repair sidewalks is likely illegal and unenforceable and the Town can repair its own sidewalks.

Trustee Stone moved and Trustee Siewierski seconded a motion to Approve Town Code Amendment: Repairing Unsafe Sidewalks.

Roll call vote:

Yeas: Trustees Stone, Siewierski Dockus, and Barzso

Nays: None

Absent: Trustees Corson and Lanning

4-yea; 0-nay; 2-absent

Motion carried.

ORD 2012-21

Approve Contract with B&F Technical Services for Building Inspection Services

Mr. Magdziarz presented a contract for discussion. Mr. Magdziarz contacted Attorney Johnson asking if a proposal can be considered as a contract, and if the contract needs to be approved by an Ordinance. It was Attorney Johnson's opinion that the B&F Proposal is an "offer." The Town Board approval is an acceptance. Those two things, plus consideration, i.e., money or services changing hands, create a contract.

One noted change to original proposal was on page 12 #4 that states the Town may request to be named as additional insured. There was considerable discussion regarding inspection fees for single family homes. These fees would actually cost the Town money and it was suggested that 10% be added to allow for the Town's administration part of the permit process. Trustee Dockus stated that the Plan Review Fee Schedule was in direct conflict with the fee schedule attached to the proposal presented at the July 9 meeting. It was agreed that the first 4 lines of fees under one and two single family dwellings will be removed. Mr. Magdziarz stated that when there is a conflict the proposed fee schedule will prevail.

Trustee Dockus moved and Trustee Barzso to approve Contract with B&F Technical Services.

Roll call vote:

Yeas: Trustees Siewierski Dockus, Barzso and Mayor Seyller

Nays: Trustee Stone

Absent: Trustees Corson and Lanning

4-yea; 1-nay; 2-absent

Motion carried.

C 2012-02

Town Code Amendment: Building Permit Fees

A consensus could not be reached on what percentage of building permit fee should be charged for administrative costs. Mayor Seyller recommended that this item come back to the Board for discussion as there are some inequities in permit fees.

Trustee Stone moved and Trustee Dockus seconded a motion to table until a later date.

Roll call vote:

Yeas: Trustees Barzso, Stone, Siewierski and Dockus

Nays: None

Absent: Trustees Corson and Lanning

4-yea; 0-nay; 2-absent

Motion carried.

[Clerk's note: it is noted that the contract with B & F will not begin until the fee scheduled amendment(s) have been approved.]

Accept MFT Bid and Award to Peter Baker & Son the FY13 MFT Project

Peter Baker and Sons was the low bidder on the FY13 MFT project at \$147,854.60. After discussion regarding expending funds before collected from the State could create a temporary deficit in the MFT Fund Budget, the Engineer suggested that the earliest a payment request could be received is October, at which point there would be a \$16,177.58 deficit in the MFT Fund. Continuing allocations from IDOT would eliminate the fund deficit by December 2012. Before taking action the Board asked that the Engineer check with Peter Baker & Son to see if they would accept a lesser contract (narrow down the scope of work) or agree to payment terms as monies are received. Mr. Carmichael thought payment terms could be considered, but they would most likely need to be paid by the end of December. Mr. Magdziarz will check to see if there is a priority list of roads if we need to look at a lesser contract.

Trustee Stone moved and Trustee Barzso seconded a motion to postpone acceptance of Peter Baker & Son Co. bid until information is available.

Roll call vote:

Yeas: Trustees Dockus, Siewierski, Stone and Barzso

Nays: None

Absent: Trustees Corson and Lanning

4-yea; 0-nay; 2-absent

Motion carried.

**Approve an Ordinance Authorizing Application for IEPA Loan
An Ordinance Approving a Water Pollution Control Loan Program Ordinance
Authorizing Loan Agreement Non-Home Rule Entity – Town of Cortland**

This Ordinance Authorizes the Town to borrow funds from the Water Pollution Control Loan Program. Engineer Carmichael explained that the Ordinance authorizes the Town to enter into a loan agreement with The Illinois Environmental Protection Agency for \$1,500,000 for the East North Avenue Lift Station project. The principal and interest payments shall be payable semi-annually for 20 years. Replacement of the North Avenue Lift Station is necessary as the current one is old, undersized and goes to Pine Street before reaching the Sewer Treatment Plant. This project is a modern facility, sized to accommodate approximately 4,000 PE, which includes the existing flow as well as a 20 year projected demand. The project includes construction, design, engineering, legal fees, land acquisition, easement acquisition and SCADA integration.

When asked by Mrs. Dockus what the rate of interest would be and where the funds for repayment of the loan would come from Mr. Carmichael was not sure what the interest rate would be, interest rate is determined by state statute, but the funds are to come from sewer revenues. Mrs. Dockus estimated that it would be approximately \$66,000 a year coming from sewer revenue. It was suggested that payments would not be expected until FY14. This Ordinance along with a Notice of Intent to Borrow Funds and the Right to File a Petition must be published within 10 days of passage in the DeKalb Chronicle. If no petition meeting the requirement of 10% or more of the registered voters in Town is filed during the 30 day petition period, the Town may adopt the Ordinance entering into the loan agreement with the Illinois Environmental Protection Agency. It was stated that the Town agrees that repayment of the loan is to be solely from revenue derived from the system and the loan will not constitute indebtedness for the Town.

Clerk Aldis objected to the way Administration has handled this project. It has not allowed the Board of Trustees to review the project, ask questions or suggest alternatives. The placement and construction of the lift station as prepared for bid is on the north side of North Avenue and will run parallel pipe to what currently exists on the south side of North Avenue. She stated that the Town intended to build the lift station on the south side of North Avenue and use the easement it procured from Ms. Mary Aldis (2005-06). Clerk Aldis stated that the extra cost of building the lift station on the north side along with the costs of purchasing property to do so, was never approved by the Town Board. Clerk Aldis informed the board that there are still problems that have never been resolved regarding disruption of the Aldis property. It was suggested that the property issues could be put right during construction of the lift station. Mayor Seyller stated that he thought it best not to involve the Aldis property so as not to cause any more disruption to Mrs. Aldis. Trustee Dockus suggested that the loan agreement could move forward, however, no bids for construction to the lift station could be approved until resolution on the Aldis property could be agreed on. Mr. Carmichael stated that bid openings are scheduled for August 17.

Trustee Siewierski moved and Trustee Stone seconded a motion waive the first reading of the proposed ordinance. Unanimous voice vote carried the motion.

Trustee Siewierski moved and Trustee Dockus seconded a motion to An Ordinance Approving a Water Pollution Control Loan Program Ordinance Authorizing Loan Agreement Non-Home Rule Entity – Town of Cortland

Roll call vote:

Yeas: Trustees Barzso, Siewierski, Stone and Dockus

Nays: None

Absent: Trustees Corson and Lanning

4-yea; 0-nay; 2-absent

Motion carried.

ORD 2012-22

Approve an Agreement with DeKalb County Informational Office for IT Maintenance

This Agreement is for the annual fee of \$500 to provide ongoing IT Maintenance Service for the Police Department. The onetime fee of \$5,000 shall be paid in 2012 (budget amendment necessary) and annual \$500 payment starting January 1, 2013 payable by March 15, 2013 for services through December 31, 2013.

Trustee Siewierski moved and Trustee Dockus seconded a motion to approve an Agreement with DeKalb County Informational Office for IT Maintenance.

Roll call vote:

Yeas: Trustees Barzso, Siewierski, Stone and Dockus

Nays: None

Absent: Trustees Corson and Lanning

4-yea; 0-nay; 2-absent

Motion carried.

A 2012-07

Concerns/Comments

Trustee Barzso reported a fence behind her property was damaged and posts broken off at ground level. Mr. Magdziarz will look into this.

President's Report

Mayor Seyller reported that there is a WWII reenactment encampment happening over the weekend at the overpass on Rte. 38. There will be demonstrations. There is interest in this becoming part of the Cortland Parade & Festival weekend in the future.

Adjournment

Trustee Stone moved and Trustee Siewierski seconded a motion to adjourn. Unanimous voice vote carried the motion. Meeting adjourned at 9:40 p.m.

Respectfully submitted,



Rita Nielsen
Deputy Clerk