

APPROVED MINUTES

**Village of Gilberts
87 Galligan Road
Gilberts, IL 60136
Village Board
Meeting Minutes
February 4, 2014**

Call to Order / Pledge of Allegiance

President Zirk called the meeting to order at 7:00 p.m. He proceeded to lead those present in the Pledge of Allegiance.

Roll call / Establish Quorum

Village Clerk Meadows called the roll. Roll call: Members present: Trustees Corbett, Mierisch, LeClercq, Zambetti, Farrell and President Zirk. 1-absent: Trustee Hacker. Others present: Administrator Keller, Attorney Tappendorf, Finance Director Blocker, Assistant Administrator Beith and Clerk Meadows. For members of the audience please see the attached list.

Public Comment

President Zirk asked if anyone in the audience wished to address the Board Members. Resident Richard Butts who resides at 170 Charleston Lane addressed the Board. He articulated his concerns with a neighbor who is not removing the snow from the sidewalk adjacent to his property. Resident Butts questioned if the Village had an Ordinance on the books that requires property owners to remove ice and snow from the sidewalks directly adjacent to their property. Staff replied they would need to review the code and report back.

Resident Butts questioned Public Works' reasoning for mounding snow piles at the corners where bus stops are located. He suggested that Public Works may want to consider contacting District 300's Department of Transportation to receive a list of bus stop locations and avoid mounding snow at those locations. Administrator Keller replied that Public Works pushes the snow back at the corners to improve motorist visibility. Staff will contact District 300 to request the locations of the Gilberts' school bus stops.

Resident Butts continued to express a final concern with a resident continuously parking his vehicle in his driveway and blocking the public sidewalk. Administrator Keller was confident that this action was a violation of the Village Code. President Zirk noted that in situations similar to this parking violation a simple knock on the door by an officer informing the resident of the code violation resolves the situation without issuing a citation.

Consent Agenda

- A. A Motion to approve Minutes from the January 21, 2014, Village Board Meeting
- B. A Motion to approve Bills and Salaries dated February 4, 2014 as follows: General Fund \$25,500.87, Developer Donations \$1,000.00, Permit Pass Thrus \$6,562.59, Performance Bonds and Escrows \$5,581.35, Water Fund \$19,331.67, Payroll \$65,649.79

President Zirk inquired if any of the Board Members wished to remove any item from the consent agenda for separate consideration. There were no comments from the Board Members. There being no further discussion on the motion, a Motion was made by Trustee LeClercq and seconded by Trustee Zambetti to approve the Consent Agenda items A-B as presented. Roll call: Vote: 5-ayes: Trustees Corbett, Mierisch, LeClercq, Zambetti and Farrell. 0-nays, 0-abstained. Motion carried.

Items for Approval

A Motion to approve Ordinance 03-2014, an Ordinance amending the Village Code Title 8 "Water and Wastewater" Chapter 5 "Public Waterworks System"

Administrator Keller reported that staff was provided direction on amending the Village Code with respect to clarifying the penalties for water users who do not comply with the Village's meter replacement process at both the December 10th and January 14th Committee of the Whole meetings. Staff has since drafted an Ordinance to reflect the Board's direction. The code amendment allows for a possible citation with a fine (ranging from \$75.00 to \$750.00) and/or a notice to appear in court. The code amendment also enacts the Village's authority to shut off the water supply after providing a written notice to the resident for noncompliance with the water meter process. In addition, the Ordinance satisfies the due process requirements by providing an appeal process for the water account holder.

President Zirk stated he would entertain a motion to approve Ordinance 03-2014. A Motion was made by Trustee Zambetti and seconded by Trustee Farrell to approve Ordinance 03-2014, an Ordinance amending the Village Code Title 8 "Water and Wastewater" Chapter 5 "Public Waterworks System". Roll call: Vote: 5-ayes: Trustees Mierisch, LeClercq, Zambetti, Farrell and Corbett. 0-nays, 0-abstained. Motion carried.

A Motion to approve Ordinance 04-2014, an Ordinance reevaluating and modifying certain donations, impact fees, and contributions required for development of a portion of the development known as "The Conservancy"

President Zirk inquired if the Ordinance under consideration was proposing to revise the impact fee schedule for the property which has now been acquired by Gilberts Development LLC, represented by Mr. Troy Mertz.

Attorney Tappendorf replied yes. The legal descriptions contained in the draft Ordinance are the properties that had been recently acquired by Mr. Mertz. The Ordinance does not include revising the impact fee schedule for what is commonly referred to as the Schreiner or Cascairo properties.

Trustee Farrell noted that it appears the Ordinance is silent on the repayment of the 1.2 million dollars to the Village. Attorney Tappendorf reported that staff is currently working with Mr. Mertz in drafting an additional assignment agreement to address the repayment of the 1.2 million dollars due to the Village. Mr. Mertz acknowledged that his legal team along with staff is in the process of drafting an assignment agreement which would address the repayment of the 1.2 million dollars owed to the Village. A lengthy discussion ensued with respect to language and methodology of assignment agreement.

The Board Members concurred approval of Ordinance 04-2014 should be contingent upon approval and execution of an assignment agreement or an equal security in which the Village recovers in whole the 1.2 million dollars of indebtedness. Mr. Mertz had no objection to the approval of Ordinance 04-2014 being contingent upon execution of an assignment agreement or an equal security in which the Village recovers in whole the 1.2 million dollars.

There being no further discussion on the motion, a Motion was made by Trustee Zambetti and seconded by Trustee Farrell to approve Ordinance 04-2014, an Ordinance reevaluating and modifying certain donations, impact fees, and contributions required for development of a portion of the development known as "The Conservancy" contingent upon approval and execution of an assignment agreement or an equal security to repay 1.2 million dollars to the Village of Gilberts in whole. Roll call: Vote: 5-ayes: Trustees LeClercq, Zambetti, Farrell, Corbett and Mierisch. 0-nays, 0-abstained. Motion carried.

A Motion to amend Resolution 18-2013, a Resolution authorizing an Intergovernmental Agreement between the Village of Gilberts and Illinois State Toll Highway Authority for Stormwater Detention Credits

Administrator Keller reported that the Board previously approved Resolution 18-2013, which authorized an intergovernmental agreement with the Illinois Tollway Authority for the purchase of 13.71 acre-feet of detention credits of their I-90 expansion project. The Tollway has since revised their storm water calculations and determined that they need only 8.0 credits, instead of the 13.71 originally requested.

Administrator Keller reported the purchase price of each credit is \$60,000 so the Tollway will pay the Village \$480,000. Trustee Corbett questioned the language contained in the agreement referencing that the Village shall manage, monitor and maintain the storm water detention storage facility. Attorney Tappendorf noted that the monitoring and maintenance of the Village's storm water detention storage facilities was incorporated into Phoenix & Associates Stormwater Licensing agreement which names Phoenix & Associates as the responsible licensee to maintain the storm water detention storage facility.

There being no further discussion on the motion, **A Motion was made by Trustee LeClercq and seconded by Trustee Mierisch to amend Resolution 18-2013, a Resolution authorizing an Intergovernmental Agreement between the Village and Illinois State Toll Highway Authority for Stormwater Detention Credits.** Roll call: Vote: 5-ayes: Trustees Zambetti, Farrell, Corbett, Mierisch and LeClercq. 0-nays, 0-abstained. Motion carried.

A Motion to approve Resolution 04-2014, a Resolution authorizing an agreement between the Village of Gilberts and Phoenix and Associates to purchase Stormwater Detention Credits

Administrator Keller reported that the 2010 license agreement called for an administrative fee of \$5,000 per credit to be paid to the Village, which would generate \$40,000 for the Village through the Tollway credit purchase. Administrator Keller noted that around the time that the Tollway first expressed an interest in entering into an intergovernmental agreement with the Village to purchase detention credits Phoenix & Associates completed several storm water improvements in the Dunhill Estates and Indian Trails subdivisions that were requested by the Village. Phoenix & Associates proposed using the administrative fee proceeds to cover the work performed. However, the Tollway's approval of the IGA was delayed; Phoenix completed the improvements in the anticipation of the eventual approval of the IGA. The agreement under consideration reflects this arrangement and waives the Village's administrative fee and memorializes the work completed by Phoenix in lieu of paying the fees. Administrator Keller reported staff recommends approval.

There being no further discussion on the motion, **a Motion was made by Trustee Farrell and seconded by Trustee Zambetti to approve Resolution 04-2014, a Resolution authorizing an agreement between the Village of Gilberts and Phoenix and Associates to purchase Stormwater Detention Credits.** Roll call: Vote: 5-ayes: Trustees Farrell, Corbett, Mierisch, LeClercq and Zambetti. 0-nays, 0-abstained. Motion carried.

A Motion to approve an engagement agreement with William Blair & Company, L.L.C. to serve as underwriter and provide certain advisory and investment banking services

Attorney Tappendorf discussed the proposed William Blair engagement agreement. Attorney Tappendorf reported that the engagement agreement provides for underwriting services for the refunding the SSA No. 19 bonds in favor of restructuring the debt which would be secured by a new bond issue through the proposed SSA No. 24.

Attorney Tappendorf noted that a new Federal Law applicable to the Rules of Professional Conduct mandates underwrites are engaged before they can provide any financial advice to a municipality.

President Zirk asked if there were any questions on the motion. **There being no further discussion, a Motion was made by Trustee LeClercq and seconded by Trustee Zambetti to approve an engagement agreement with William Blair & Company, L.L. C. to serve as underwriter and provide certain advisory and investment banking services.** Roll call: Vote: 5-ayes: Corbett, Mierisch, LeClercq, Zambetti and Farrell. 0-nays, 0-abstained. Motion carried.

Items for Discussion

There were no discussion items.

Staff Reports

Administrator Keller requested the Board enter into an Executive Session to discuss pending litigation, personnel, collective negotiating matters, and to review executive session minutes.

Finance Director Blocker commented on the water meter program and the new reports that can now be generated.

Clerk Meadows reported that Union Bank informed her that the Village credit card had been comprised. Union Bank will immediately cancel the current card and reissue.

Board of Trustee Reports

The Board of Trustees collectively had no reports.

President's Report

President Zirk reported that all three Kane County Board District Representatives support the Village's desire to enter into an Intergovernmental Agreement with Kane County, Intra Soccer, L.L.C. and the Village. Administrator Keller reported that the owner of the Intra Soccer facility, Mr. Scholnik understands the need for an agreement and has no issues with the Village's desire to recover any cost incurred for Police services.

Executive Session

A Motion was made by Trustee LeClercq and seconded by Trustee Corbett to close a portion of the meeting, effective immediately as Permitted by 5 ILCS 120/2 (c) (1) to discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the Village, and as permitted by 5 ILCS 102/2 (c) (11) to discuss litigation against, affecting, or on behalf of the Village which has been filed and is pending in a court or administrative tribunal of which is imminent and as permitted by 5 ILCS 120/2 (c) (21) to review and approve closed session minutes and as permitted by 5 ILCS 120/2 (c) 2 Collective negotiating matters with no business to follow. Roll call: Vote: 5-ayes: Trustee Mierisch, LeClercq, Zambetti, Farrell and Corbett. 0-nays, 0-abstained. Motion carried.

The Board Members along with Administrator Keller, Attorney, Tappendorf, Assistant Administrator Beith, Finance Director Blocker, and Village Clerk Meadows entered into Executive Session at 7:37 p.m. and returned to the public meeting at 8:02 p.m.

Reconvened

The Board Members reconvened the meeting at 8:03 p.m.

Roll Call/Establish Quorum

Village Clerk Meadows called the roll. Members present: Trustees Corbett, Mierisch, LeClercq, Zambetti, Farrell and President Zirk. Others present: Administrator Keller, Attorney Tappendorf, Assistant Administrator Beith, Finance Director Blocker, and Village Clerk Meadows.

Adjournment

There being no further public business to discuss, a Motion was made by Trustee Farrell and seconded by Trustee Zambetti to adjourn from the public meeting at 8:06 p.m. Roll call: Vote: 5-ayes by unanimous voice vote. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows

