

## APPROVED MINUTES

Village of Gilberts  
87 Galligan Road  
Gilberts, IL 60136  
Village Board  
Meeting Minutes  
September 15, 2015

### **Call to Order/ Pledge of Allegiance**

Trustee Zambetti 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, LeClercq, Zambetti, Farrell and Hacker. 2-absent: President Zirk and Trustee Kojzarek. Others present: Administrator Keller, Assistant Administrator Beith and Village Clerk Meadows. For members of the audience please see the attached copy of the sign-in sheet.

### **President Pro Tem**

In acknowledgment of President Zirk's absence, a Motion was made by Trustee LeClercq and seconded by Trustee Farrell to appoint Trustee Zambetti to serve as President Pro Tem. Roll call: Vote: 5-ayes: Trustees Corbett, LeClercq, Zambetti, Farrell and Hacker. 0-nays, 0-abstained. Motion carried.

### **Public Comment**

President Pro Tem Zambetti asked if anyone in the audience wished to address the Board Members. Mr. Jeff Possin a representative from Interstate Partners approached the dais. He expressed concern with Interstate Partners recent irrigation water bill. Mr. Possin noted that the irrigation meter located inside their pump room is solely used for irrigation purposes and the water is being disbursed to the sewer system. He questioned why Interstate Partners was being billed for both water and sewer when using their irrigation meter. He commented on the fact that the Village had approved the pump room plans in which their irrigation meter is located and the meter is plumbed for irrigation purposes only.

Administrator Keller reported that Staff was very aware of Mr. Possin's concern and had informed him that Staff was reviewing various options to resolve this issue. Administrator Keller noted that in fairness Staff realizes and sympathizes with Interstate Partners situation. However, the issue cannot be resolved with only considering Interstate Partners buildings. This issue has global impacts on other businesses and property owners irrigating, filling pools or conducting other outside watering activities.

President Pro Tem Zambetti commented on the fact that he understood the intent of the current Ordinance. However, he noted that the Village is growing and Interstate Partners' buildings are unlike any other industrial buildings located within the Village.

President Pro Tem Zambetti discussed the disadvantage of having irrigation meters in an outside vault.

Mr. Possin noted that due to the extremely large area of plantings that requires irrigation their irrigation system includes a pump which is also located in the pump room. He stated that the Village and the Fire Department does have access to the pump room and may inspect the meters at any time. There was some discussion on various options to resolve the situation. Mr. Possin requested the Board Members in addition to considering how to resolve the sewer billing policy also consider crediting Interstate Partners for the previous irrigation water bills in which sewer was charged. President Pro Tem Zambetti replied that the Board Members along with Staff will consider Mr. Possin's request.

Trustee Corbett inquired why this issue had not been brought up sooner. Mr. Possin reported that the first building was billed for irrigation only with no sewer use charge included. However, Staff has recently informed Interstate Partners that moving forward all three buildings' irrigation meters will be billed for both water and sewer.

Trustee Farrell directed Staff to place this matter on the next Committee of the Whole agenda for further discussion. Mr. Possin thanked the Board Members for their time.

President Pro Tem Zambetti inquired if anyone else in the audience wished to provide the Board Members with any comments. Resident Dan Pace approached the dais.

Mr. Pace noted that he did not have any questions he only wanted to provide the Board Members with a few comments. Mr. Pace questioned the Board Members and Staff's accountability, transparency, and due process. Mr. Pace reported that he recently submitted a Freedom of Information request for a permit for the Verizon's fiber installation in the Village's right-of-ways along Tyrrell Road in the close proximity to Sleeping Bear and White Feather. He stated that the request was filled; however the information he received was a request for a permit from CCS with no reference to Verizon. In addition the permit was signed off by the Village Administrator not the Chief Building Inspector. Administrator Keller reported that he is the Staff member with the authority to approve work in the Village owned right-of-ways.

Mr. Pace commented on the WOW agreement which appeared on tonight's agenda. He once again cited accountability, transparency and due process. He was under the impression the fiber installation had already been completed.

Administrator Keller stated that the fiber installation Mr. Pace was referring to was the fiber network that Mr. Mertz had installed at the time the referendum asking voters if they were in favor of funding a Village wide fiber optics network. The Village at that time was in the process of drafting an agreement with Mr. Mertz. Administrator Keller noted that this matter had been discussed publicly on many occasions. In addition, Mr. Mertz installed the fiber at his own expense and risk. If the fiber agreement is not approved Mr. Mertz is aware that he will have to remove the fiber at his own expense.

Trustee Farrell commented on the fact that the WOW agreement if approved will make available high speed fiber optics to the business district. Providing the business community with fiber optics is anticipated to spur economic development.

Mr. Mike Healy, WOW Manager, of Government Relations asked permission to address the Board. Manager Healy wanted to clarify Mr. Pace's confusion on the fiber optic permit. He reported that Verizon had contracted with WOW to install the fiber optic cables along Tyrrell Road in close proximity to White Feather and Sleeping Bear Trail and WOW's engineering firm is CCS. That is the reason Verizon's name does not appear on the request for permit.

#### **Consent Agenda**

- A. A Motion to approve Minutes from the September 1, 2015 Village Board Meeting**
- B. A Motion to approve the August 2015 Treasurer's Report**
- C. A Motion to approve Bills & Salaries dated September 15, 2015 as follows: General Fund \$214,464.87, Performance Bonds and Escrows \$2,425.75, Water Fund \$27,409.63 and Payroll \$57,754.24.**

President Pro Tem Zambetti asked if there were any items any of the Board Members wished to remove from the consent agenda. The Board Members provided no comments. **A Motion was made by Trustee Farrell and seconded by Trustee LeClercq to approve the consent agenda items A-C as presented.** Roll call: Vote: 5-ayes: Trustees LeClercq, Zambetti, Farrell, Hacker and Corbett. 0-nays, 0-abstained. Motion carried.

#### **Items for Approval**

**A Motion to approve Resolution 31-2015, a Resolution authorizing execution of a License Agreement between WideOpenWest Illinois, LLC and the Village of Gilberts for use of the Village Right-of-Ways**

Administrator Keller reported Staff recommends approval of the resolution authorizing the license agreement between the Village and WOW. He noted that WOW does have the right to access Village rights of way for the installation of their fiber optic network. WOW has proposed the license agreement with the Village to streamline the permitting and approval process for their network. In return WOW will pay the Village a modest annual license fee.

Administrator Keller reported that Assistant Village Administrator Beith had worked closely with WOW and the Village Attorney on drafting the agreement. The WOW fiber-backed internet services will be made available to every address depicted in the service area map. In addition, there will be no charge for the construction or an installation fee to any address located within the service area and WOW will fulfill the service installation request within 90 days, contingent upon a three-year service contract.

Trustee Hacker inquired if the Village Offices will receive fiber. Administrator Keller replied yes, however the fiber will not be lit.

Trustee Corbett inquired if WOW currently has any businesses interested in their services. Manager Healy replied yes sixteen businesses have expressed interested.

There being no future discussion on the agreement, **a Motion was made by Trustee Farrell and seconded by Trustee Corbett to approve Resolution 31-2015, a Resolution authorizing execution of a License Agreement between WideOpenWest Illinois, LLC and the Village of Gilberts for use of the Village Right-Of-Ways.** Roll call: Vote: 5-ayes: Trustees Zambetti, Farrell, Hacker, Corbett, and LeClercq. 0-nays, 0-abstained. Motion carried.

**A Motion to approve Resolution 37-2015, a Resolution authorizing an agreement between the Village of Gilberts and Timber Trails Home Owners Association to construct and maintain a gazebo on public land located at 59 Timber Trails Blvd.**

Administrator Keller reported that Staff recommends approval of a license agreement with the Timber Trails Homeowners Association to replace an existing gazebo shelter at 59 Timber Trails Boulevard. The original gazebo did not require a Village permit as it was erected on the property prior to its dedication to the Village.

Administrator Keller noted that this license agreement is similar to the recent fence agreements which permitted fences to be erected on public land.

Trustee Corbett inquired if this shelter was going to be larger than the current shelter. Administrator Keller replied yes and the shelter will be similar to the shelter located in Town Square Park.

There being no further discussion on the license agreement, a **Motion was made by Trustee Corbett, and seconded by Trustee Farrell to approve Resolution 37-2015, a Resolution authorizing an agreement between the Village of Gilberts and Timber Trails Homeowners Association to construct and maintain a gazebo on public land located at 59 Timber Trails Blvd.** Roll call: Vote: 5-ayes: Trustees Farrell, Hacker, Corbett, LeClercq and Zambetti. 0-nays, 0-abstained. Motion carried.

**A Motion to approve Resolution 38-2015, a Resolution waiving competitive bidding requirements and authorizing an agreement between the Village of Gilberts and Splash Zone to install a commercial splash pad recirculation system conversion**

Administrator Keller reported that the newly installed Town Center Park Splash Pad has proven to be very popular, as reflected by the compliments received. It also far exceeded any expected water or sewer use estimates as indicted by its metered use of almost 10 million gallons of water this summer.

Administrator Keller noted that Staff had discussed various ways to reduce the water consumption at the park. Some of the options included operational changes that may produce marginal water reduction.

Administrator Keller reported that after researching various options Staff concurred that transitioning to a recirculation system would yield the most cost effective benefit. Splash Zone stated that this type of recirculation system typically retains 90%-95% of the water used, substantially reducing the potable water and sanitary system usage.

Administrator Keller reported that Splash Zone's cost for the recirculation system is \$77,200. Splash Zone can complete the retrofit this fall, allowing for any park restoration work to be completed this year avoiding potential conflict with next year's opening.

Administrator Keller commented on the fact this item was not included in the FY-2016 budget. However, the Board Members would fund the project by using enterprise funds or using Municipal Impact Fees. In either case the project could be added as a year-end budget adjustment.

Trustee Corbett inquired if there was a maintenance cost associated with the recirculation system. Administrator Keller replied no. Staff would maintain the system as they currently do.

Trustee Corbett inquired if there was a strainer which strained the water prior to reaching the recirculation pumps. Administrator Keller stated he would check with Staff and report back.

Trustee Farrell inquired about water testing standards. Administrator Keller reported that the Water Department tests the water in the same way they test all the public water supply.

## Village Board

### Meeting Minutes

September 15, 2015

Page 6

There being no further discussion on the Resolution, a Motion was made by Trustee Corbett and seconded by Trustee Farrell to approve Resolution 38-2015, a Resolution waiving competitive bidding requirements and authorizing an agreement between the Village of Gilberts and Splash Zone to install a commercial splash pad recirculation system conversion. Roll call: Vote: 5-ayes: Trustees Farrell, Hacker, Corbett, LeClercq and Zambetti. 0-nays, 0-abstained. Motion carried.

A Motion was made by Trustee LeClercq and seconded by Trustee Hacker to approve using Municipal Impact Fees to pay for the splash pad recirculation system conversion. Roll call: Vote: 5-ayes: Trustees Hacker, Corbett, LeClercq, Zambetti and Farrell. 0-nays, 0-abstained. Motion carried.

### **Items for Discussion**

There were no items listed under "Items for Discussion".

### **Staff Reports**

Administrator Keller discussed the recent correspondence from TLC Management, LLC with respect to the Gilberts Town Center Unit 2B (Duplex Lots). Administrator Keller reported that TLC's letter addresses the lots where there's standing water and needs to be regraded and reseeded. If the Board Members have no objections he will inform them that they may proceed with their proposed scope of work.

Administrator Keller commented on a recent letter from Ryland Homes in response to the Village's demand that they address several outstanding property maintenance violations. In the letter President John Carroll cited two reasons they would like to request an extension. The first reason President Carroll provided was a possible merger between Ryland and Standard Pacific Homes which he noted that the merger may require changes in the accounting treatment for suspended communities such as GTC Townhomes. The second reason he wished the Village take under consideration was with respect to the Village's demand that the two foundations be removed. President Carroll wrote that removal of the foundations would be extremely expensive and wasteful of the value of the foundations and the underground improvement which are already installed in the concrete floors and could delay restarting Townhome products when the market improves.

President Pro Tem Zambetti strongly objected to extending the compliance due date. Trustee Farrell agreed. The Board Members concurred that the property maintenance violations pose a life safety hazard and need to be addressed within 30 days. Administrator Keller will inform President Carroll that the Board Members are not in favor of granting an extension or a waiver on the removal of the open foundations.

Village Board  
Meeting Minutes  
September 15, 2015  
Page 7

Administrator Keller acknowledged Assistant Administrator Beith and Village Clerk Meadows efforts in hosting the recent Senator Roskam luncheon. In addition, Administrator Keller reported that the afternoon visit to two of the local businesses was very informative and Senator Roskam appeared to be engaged in the site visits.

Village Clerk Meadows reminded everyone that the fishing derby is scheduled for Saturday, September 19<sup>th</sup> from 9:00-11:00 am at the Memorial Park Pond.

**Board of Trustees Reports**

Trustee Corbett commented on a recent email Clerk Meadows had sent reminding the Board Members that the nominations for the third annual community service award are due no later than October 8<sup>th</sup>.

**President's Report**

President Pro Tem Zambetti provided no reports.

**Adjournment**

There being no further public business to discuss, **a Motion was made by Trustee Corbett and seconded by Trustee Farrell to adjourn from the public meeting at 8:02 p.m.** Roll call: Vote: 5-ayes by unanimous voice vote. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows

