

Village of Gilberts
87 Galligan Road
Gilberts, IL 60136
Village Board
Meeting Minutes
October 6, 2015

APPROVED MINUTES

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 Kojzarek, Corbett, Zambetti, Farrell and President Zirk. Others present: Administrator Keller and Village Clerk Meadows. For members of the audience please see the attached copy of the sign-in sheet.

Public Comment

President Zirk inquired if anyone in the audience had any questions or comments they would like to share with the Village Board Members. Those in attendance offered no questions or comments.

Consent Agenda

- A. **A Motion to approve Minutes from the September 15, 2015 Village Board Meeting**
- B. **A Motion to approve Bills & Salaries dated October 6, 2015 as follows: General Fund \$269,230.27, Performance Bonds \$45,074.65, Water Fund \$40,182.04 and Payroll \$134,240.13.**

President Zirk inquired if the Board Members wished to remove any of the consent agenda items for separate consideration. The Board Members offered no comments. **A Motion was made by Trustee Zambetti and seconded by Trustee Farrell to approve the consent agenda items A and B as presented.**

Roll call: Vote: 4-ayes: Trustees Kojzarek, Corbett, Zambetti and Farrell. 0-nays, 0-abstained. Motion carried.

Items for Approval

A Motion to approve Ordinance 21-2015, an Ordinance approving a Final Plan for the Grove Mart Gas Station Lots 1-11 in the Prairie Business Park PUD

Administrator Keller discussed the proposed final plan for the Glogovosky Oil Company's Grove Mart Gas Station located at the northeast corner of the Prairie Business Park on Lots 1-11. The plan includes eight gasoline and four diesel fuel pumps. Traffic from eastbound Higgins Road will access the site via a right in-out only turn lanes onto Larkspur and Trillium Drive.

Administrator Keller reported that the Final Plan engineering details accompanying the final site plan will be reviewed by Baxter & Woodman prior to the issuance of any permits.

Administrator Keller discussed the Prairie Business Park PUD Ordinance. He noted that the gas station was an entitled use negotiated at the time of the adoption of the PUD Ordinance. This allows for the applicant to avoid the Special Use process. In addition, the PUD ordinance specifies that a gas station would be permitted one 64 square foot monument ground sign. The Applicant is requesting a sign allowance that would permit three monument signs to be located at the northwest, northeast and southeast corners of the site. Approval of the final plan would automatically allow the one ground sign, which would be superseded by a sign package if approved by the Village Board by a separate ordinance. Administrator Keller concluded by reporting that the Plan Commission recommended approval of the final plan by a vote of 6-0.

President Zirk asked a question on behalf of Trustee Hacker. Trustee Hacker inquired if the Final Plan allowed for a deviation from the liquor and gaming license process. Administrator Keller replied no. They would still have to comply with local and state laws to obtain either of those types of licenses.

President Zirk inquired if any of the Board Members had any questions or comments on the ordinance under consideration. The Board Members provided no comments. **A Motion was made by Trustee Zambetti and seconded by Trustee Farrell to approve Ordinance 21-2015, an Ordinance approving a Final Plan for the Grove Mart Gas Station, Lots 1-11 in Prairie Business Park PUD.** Roll call: Vote: 4-ayes: Trustee Corbett, Zambetti, Farrell and Kojzarek. 0-nays, 0-abstained. Motion carried.

A Motion to approve Ordinance 22-2015, an Ordinance approving a sign package for the Grove Mart Gas Station, Lots 1-11 in Prairie Business Park PUD

Administrator Keller reported that the Unified Development Code provides a mechanism for the Village Board to grant a sign package for sites that require a customized approach. He discussed the fact that the applicant is requesting a sign package that would permit three monument signs to be located at the northwest, northeast and southeast corners of their site. The proposed sign at the northeast corner of the site would be 80 square feet in total with a total height of 10 feet and total width of 14 feet. The two remaining signs would be installed near the right in access points at Higgins Road/Larkspur Drive and Tyrrell Road/Trillium Drive. These signs height and width would be 10 feet each.

Administrator Keller reported that the total amount of signage requested is greater than what would typically be allowed. However, the impact of the three signs would be in scale with the speed and scale of the Higgins/Tyrrell intersections and the two smaller signs would serve as directional signage to compensate for the gas station's lack of direct access to Higgins or Tyrrell Roads.

President Zirk commented on the fact that the Board's original intent with only allowing a 64 feet monument sign was to control what type of signage was installed. This provision forces direct input from the Board Members and allows them the opportunity to control what type and size of signage that would be allowed on the site.

President Zirk commented on the fact that he would not want to place either the existing gas station or the new gas station at an advertising disadvantage. President Zirk inquired on how Grove Mart sign package coverage contrasts to the existing Mobil Mart sign coverage. Administrator Keller reported that the Mobile Mart total sign coverage is 170 feet, slightly more than the total sign coverage being requested by the Grove Mart.

Engineer Christian Kalischefski on behalf of the Glogovsky Oil Company provided the Board Members with an overview of their site plan and the traffic flows. He justified their reasoning behind the request for a modification on the sign package. He noted that the nature of their hardship is the nature of their business. If motorists didn't have a clear view of how to access the site they would continue on down the road to an adjacent community and purchase gas and sundries there. In addition, safe access to the gas station site will generate an increase in sales tax for the community.

Trustee Farrell questioned if the three signs would generate visual clutter. Administrator Keller replied that signage is an art not a science. Administrator Keller commented on the fact the Board retains the option of approving or not approving the sign package, or approving a modified sign package that is different from what was drafted or the Board may defer action to a latter meeting.

President Zirk asked if the Board Members had any additional questions or comments. The Board Members offered no questions or comments. **A Motion was made by Trustee Zambetti and seconded by Trustee Farrell to approve Ordinance 22-2015, an Ordinance approving a sign package for the Grove Mart Gas Station, Lots 1-11 in Prairie Business Park PUD.** Roll call: Vote: 4-ayes: Trustees Zambetti, Farrell, Kojzarek, and Corbett. 0-nays, 0-abstained. Motion carried.

Ordinance 23-2015, an Ordinance vacating and conveying title to part of Union Street in the Village of Gilberts

President Zirk noted by state statute, approval of a right of vacation requires three-fourths Board approval (6 of 7 Board Members). Which unfortunately one of the Trustees needed for the vote unexpectedly was unable to attend tonight's meeting.

President Zirk asked a question on Trustee Hacker's behalf, Trustee Hacker was questioning if the Village would be better served by entering into a license agreement with the three property owners on Union Street. Administrator Keller replied no, due to the side yard set-backs it would be in the best interest of the Village to vacate the area and extend the respective properties yards. The Village will then establish a permanent utility and access easement, which would allow for continued use for utilities and the Village. Pedestrians could also continue to use the sidewalk on the west side of the right of way. Noreen Veverka one of the property owners effected by the proposed vacation expressed her support.

President Zirk apologized to the Union Street residents for the lack of majority to proceed with the vote. **A Motion was made by Trustee Farrell and seconded by Trustee Zambetti to postpone voting on Ordinance 23-2015, an Ordinance vacating and conveying title to part of Union Street in the Village of Gilberts until the October 23rd Village Board Meeting.** Roll call: Vote: 4-ayes: Trustees Farrell, Kojzarek, Corbett, and Zambetti. 0-nays, 0-abstained. Motion carried.

A Motion to approve Resolution 39-2015, a Resolution authorizing a Connection Incentive Program Agreement between the Village of Gilberts and Forming Concepts

Administrator Keller reported that Forming Concepts is asking for relief from the Villages water and sewer connections fees. The sewer connection fee is based on the projected population equivalents (PEs) to be used by the building. Forming Concepts' engineer calculated the anticipated load to be sizable. Staff recommends the Village pay half of the connection fees using TIF #1 funds and allow Forming Concepts to pay the remaining balance over a three-year installment plan. In addition, Administrator Keller noted that the Village Board had previously approved a water connection incentive program, which would allow Forming Concepts to repay the \$4,100 water connection fee through a three-year installment plan.

President Zirk expressed his support in granting Forming Concepts relief from the water and sewer connections fees. He noted that the Village Board want to encourage all well and septic users to connect to the Village's water/sewer system.

There being no further discussion on the Resolution, **a Motion was made by Trustee Zambetti and seconded by Trustee Farrell to approve Resolution 39-2015, a Resolution authorizing a Connection Incentive Program Agreement between the Village of Gilberts and Forming Concepts.** Roll call: Vote: 4-ayes: Trustees Kojzarek, Corbett, Zambetti and Farrell. 0-nays, 0-abstained. Motion carried.

Motion to approve Resolution 40-2015, a Resolution authorizing a SCADA Support Service Agreement between the Village of Gilberts and BWCSI

Administrator Keller reported that the SCADA Support Service Agreement with BWCSI is a seven month extension of the current agreement. He commented on the fact that Baxter & Woodman is currently in the process of an internal reorganization. The expiration of the agreement is in line with the next fiscal year.

President Zirk asked a question on behalf of Trustee Hacker. Trustee Hacker inquired if BWCSI will have Staff on site. Administrator Keller replied no, this technical service would include computer maintenance and updates or to the SCADA System as needed. Village Staff would be in charge of running the day to day operations. In addition, Assistant Administrator Beith had worked closely with CTC and BWCSI in coordinating which IT firm was responsible for the server and which IT firm was responsible for the SCADA System.

There being no further discussion on the Resolution, **a Motion was made by Trustee Zambetti and seconded by Trustee Farrell to approve Resolution 40-2015, a Resolution authorizing a SCADA Support Service Agreement between the Village of Gilberts and BWCSI.** Roll call: Vote: 4-eyes: Trustees Corbett, Zambetti, Farrell and Kojzarek. 0-nays, 0-abstained. Motion carried.

A Motion to approve an extension to a License Agreement between the Village of Gilberts and Phoenix & Associates

Administrator Keller reported that in 2010 the Village had entered into a public-private partnership with Phoenix & Associates to modify an existing Village owned retention pond to create surplus stormwater capacity. The program allows property owners to maximize their buildable land. The program has proven to be very successful. The Tollway and Prairie Business Park have both taken advantage of the program.

Administrator Keller noted that Baxter & Woodman has certified that there currently are 49.21 total acre-feet of detention credits available for future development.

There being no further discussion on the extension to the Phoenix & Associates License Agreement, **a Motion was made by Trustee Zambetti and seconded by Trustee Farrell to approve extending the Phoenix & Associates License Agreement for an additional five year term.** Roll call: Vote: 4-eyes: Trustees Zambetti, Farrell, Kojzarek and Corbett. 0-nays, 0-abstained. Motion carried.

Items for Discussion

Irrigation Meters

Administrator Keller reported that Interstate Partners is requesting the Board consider refunding a portion of the water bill payment due to the fact the water used was for irrigation and should not include a sewer usage fee. Administrator Keller commented on the section of the Village Code that establishes charges for the use of the Village's water and sewer system. Staff has consistently applied this Code as requiring that any user connected to public water and wastewater systems is charged the combined rate of \$9.00/1000 gallons as measured by the water meter. The combined rate assumes that an equivalent amount of water used enters the sanitary sewer system. This assumption is less than ideal, but it is the best available approach to bill for sanitary sewer usage.

Administrator Keller went on to discuss in detail the current way the 15 irrigation meters are billed. He reported that the HOAs' irrigation meters are located in underground vaults and are billed at the water-only rate. The Interstate Partners irrigation meters are housed in their pump room and are comingled with the other water meters. Theoretically the irrigation meter could be tampered with to provide some type of illicit uses.

Administrator Keller discussed the Staff's recommendation to refund Interstate Partners sewer use charges. He stated in fairness Interstate Partners irrigation system does not impact the sanitary sewer system and moving forward Staff recommends only charging Interstate Partners' irrigation meter with the water use rate. In addition, the Village Code would need to be updated to provide for "irrigation only" water usage, regardless of whether the property or structure is also connected to the sanitary system.

Trustee Corbett asked Mr. Possin representing Interstate Partners why this issue has not been brought up until now. Mr. Possin responded by stating that the first building's irrigation meter was being billed for water use only. It was only when the second building went online that the Village began charging both the water and sewer rate on the irrigation meter.

Trustee Farrell was in favor of amending the Village Code. She noted that the Village Board desires to promote economic development and charging both water and sewer fees on irrigation meters might deter potential new businesses.

President Zirk concurred with Trustee Farrell's opinion. However, he wanted the amended irrigation meter rate to only apply to properties zoned Industrial, Commercial or Retail not to residential zoning.

In addition, President Zirk recommend the code amendment include language establishing that the meter must be contained in an area with an exterior door which would allow Village access.

President Zirk on behalf of Trustee Hacker recommended the code amendment also include language mandating the removal of the bit hose to the house meter.

President Zirk discussed drafting language to include a penalty if the irrigation meter was found to be tampered with or used for any other type of service other than irrigation. He suggested Staff periodically inspect the irrigation meters with no inspection fee. If the irrigation meter is found to be used for any other type of service other than irrigation the user would be charged sewer use back dating from the date of the last inspection.

Mr. Possin acknowledged that he agreed with the Board Members code amendment language.

A lengthy discussion ensued on why President Zirk felt strongly about not charging an irrigation meter inspection fee.

The Board Members added additional code amendment language to include that the irrigation meter water pipe line must be mainly installed under slab and the use of D-Duct is prohibited. Trustee Zambetti recommended Staff use ball bells to lock portions of the water lines. Staff will draft an Ordinance amending certain sections of the Village Code with respect to water/sewer charges and Administrator Keller will direct Finance Director Blocker to refund Interstate Partners for past sewer charges.

Staff Reports

Administrator Keller provided the Board Members with an update on Copenhaver's outstanding engineering and attorney fees. Mr. Copenhaver has agreed to pay the balance of the fees over time.

Administrator Keller discussed the recently awarded Kane County Riverboat Grant. He informed the Board that the Village has received \$21,000 for additional Town Center Park improvements and he was looking for Board direction. He noted that the Board could choose to add furniture (benches, picnic tables) or erect a pavilion.

The Board Members discussed the affordable options. They agreed that constructing a pavilion would be the best use of the grant funds. There was some discussion on the location of the pavilion. The Board Members directed Staff to draft a few options of a possible location for the pavilion. This matter will be discussed at a later date.

Administrator Keller reported that he had met with John Carroll President of Ryland Homes. President Carroll has requested an opportunity to discuss the current status of Gilberts Town Center with the Board Members. He plans on attending the next Committee of the Whole meeting. There was some discussion on if there was a need to discuss this matter with President Carroll. The Board Members have provided Ryland with a list of concerns and the remedies. Trustee Farrell noted that he is welcome to attend the meeting. However, the Board Members in her opinion are demanding compliance.

Administrator Keller reported that representatives from American Wood Product will be attending the next Committee of the Whole meeting to discuss a potential development.

Village Clerk Meadows reported that the Village Bonfire is scheduled for Saturday, October 24th at Memorial Park from 3:30-5:30 p.m.

Board of Trustee Reports

There was some discussion about the third annual Community Service Award. Trustee Farrell suggested next year allowing input from the residents.

Trustee Kojzarek spoke about her experience participating in the Police Academy. She commended the officers that were involved in the program. Trustee Corbett concurred with Trustee Kojzarek's experience in the program. He has participated twice in the Police Academy.

President's Report

President Zirk had nothing further to report.

Adjournment

There being no other public business to discuss, **a Motion was made by Trustee Corbett and seconded by Trustee Zambetti to adjourn from the public meeting at 8:30 p.m.** Roll call: Vote: 4-ayes by unanimous voice vote. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows