

APPROVED MINUTES

**Village of Gilberts
87 Galligan Road
Gilberts, IL 60136
Village Board
Meeting Minutes
August 18, 2015**

Call to Order/Pledge of Allegiance

President Zirk called the meeting to order at 7:02 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, LeClercq, Zambetti, Farrell and President Zirk.

Trustee Hacker arrived at 7:03 p.m.

Public Comment

President Zirk asked if anyone in the audience wished to address the Board. Mr. Rich Janiec a resident and member of the PTO approached the dais. Mr. Janiec stated that he was in attendance to request Board support on an upcoming 5K run sponsored by the PTO to raise funds for the elementary school. Mr. Janiec reported that in the past the event had been staged at the Eagles Club. However this year the PTO is looking to relocate the event to Gilberts Town Center Park in hopes to better showcase the Village.

Mr. Janiec commented on the fact if the Board supported the relocation of the event the PTO would respectfully request assistance from the Police Department and the Kane County Sheriff's Department with monitoring runners crossing the intersections of Tyrrell Road/Columbia Drive and Tyrrell Road/Town Center Blvd. Administrator Keller reported that he had already spoken with Chief Rossi with respect to this request and Chief Rossi is working on the details.

Mr. Janiec noted that the event is scheduled to be held on September 20 and the start time is 8:00 a.m. The Board Members expressed their support with the relocation of the 5K Run. Mr. Janiec thanked the Board Members for their time.

Mr. Dan Pace a resident of the Village approached the dais. He expressed his concern on the agenda item referencing the WOW agreement.

Mr. Pace questioned why WOW would need an agreement with the Village when state statutes allow them the authority to use the Village's right of ways to install their network. Administrator Keller concurred that state statutes does grant WOW or other providers access to the Village's right of ways. However, the state permitting process is complicated and convoluted so in order to streamline the permitting process WOW has approached the Village to request access to the right of ways.

Mr. Pace questioned if the Village knew which utility company had recently performed utility work in the Dunhill Subdivision. Administrator Keller stated that he would have to check with Chief Building Inspector Swedberg that is the department that would have issued the permit.

Consent Agenda

- A. A Motion to approve Minutes from the August 4, 2015 Village Board Meeting**
- B. A Motion to approve the July 2015 Treasurer's Report**
- C. A Motion to approve Bills & Salaries dated August 18, 2015 as follows: General Fund \$85,782.62, Performance Bonds and Escrows \$44,310.26, Water Fund \$18,285.98 and Payroll \$59,644.80**

President Zirk asked if there were any items the Board Members wished to be removed from the consent agenda 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-C as presented.** Roll call: Vote: 6-ayes: Trustees Kojzarek, Corbett, LeClercq, Zambetti, Farrell and Hacker. 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 the use of the Village Rights-Of-Ways

Assistant Administrator Beith provided the Board Members with an overview of the proposed WOW License Agreement. He reported that approval of this agreement will result in providing the opportunity for the Village's business district and Old Town to receive fiber-backed internet services which are not presently available.

Assistant Administrator Beith commented on Exhibit "B" the system map. He noted that the system map depicted the business area south of Higgins Road and Old Town which was the area that data and phone services would be made available within 90 days after approval of the agreement.

President Zirk expressed concern with inconsistency in the agreement language. He noted that in his opinion there appeared to be some confusion in the interpretation of the system map and the use of the word backbone. In addition, the original conversations with respect to fiber optic services being made available to the community's residents and businesses were to provide an open network. This agreement proposes a closed network only to be utilized by WOW.

President Zirk went on to express concerns with some of the language contained in the agreement. He noted that there was no language providing for Village leverage to ensure provided phone and data services were made available to all addresses depicted in the System Map. Administrator Keller noted that there was a termination clause in the agreement. This does provide for the termination of the license and the removal of the cable and equipment at no cost to the Village.

President Zirk directed Staff to tighten and better define the System Map and clarify the language addressing WOW's obligation in servicing every address located within the System Map. The Board Members concurred with President Zirk's recommendation. No motion was made this matter will be placed on the September 1st Village Board Agenda.

Motion to approve Resolution 32-2015, a Resolution amending an agreement between the Village of Gilberts and MDC Environmental Services, Inc. for residential waste disposal services

Administrator Keller reported that Staff recommends approval of the resolution authorizing the extension of the waste disposal contract with MDC. The original agreement would remain intact, except for a few specific changes:

1. MDC will provide extra green (garbage) 65 gallon-cart lids and extra yellow (recycling) 95-gallon cart lids to Public Works so that residents who wish to have larger recycling containers and smaller garbage containers can be provided with alternative sizes. MDC will train Public Works on how to switch out the lids.
2. MDC will clean or exchange any of the toters at a resident's request one time during the contract terms at no charge.
3. MDC will provide the containers and transportation for two annual e-waste recycling events. MDC also agrees to work with the Village should it decide to expand e-waste recycling services in the future.
4. Effective September 1, 2015, the monthly user fee will revert to last year's rate of \$19.51 (from \$20.09). The rate will then be adjusted annually by the 12-month consumer price index rate for urban Midwest services.

Administrator Keller reported that Staff did research the surrounding communities' monthly waste hauling rates and they were comparable to the MDC's monthly rate.

President Zirk asked if any of the Board Members had any questions with respect to Resolution 32-2015. The Board Members offered no comments. **A Motion was made by Trustee Zambetti and seconded by Trustee Farrell to approve Resolution 32-2015, a Resolution amending an agreement between the Village of Gilberts and MDC Environmental Services, Inc. for residential waste disposal services.** Roll call: Vote: 6-ayes: Trustee Corbett, LeClercq, Zambetti, Farrell, Hacker and Kojzarek. 0-nays, 0-abstained. Motion carried.

Motion to approve Resolution 33-2015, a Resolution approving the Prairie Business Park Maintenance Bond #0615388 expires on September 4, 2016

Administrator Keller discussed Interstate partners request to release their performance bond for the infrastructure improvements that were requested for Phase I of the Prairie Business Park development. He noted that the bond had been partially reduced in December 2013 with the completion of the infrastructure improvements that were constructed at the start of the project. Village Engineer Blecke has since received the supporting lien waivers, receipts and final inspection reports. He recommends approval of releasing the bond.

Administrator Keller noted that per the agreement, Interstate Partners will require to provide a maintenance bond in the amount of \$131,153.58, which is 10% of the original guarantee bond. Interstate Partners has requested that the two-year maintenance bond period be back-dated to start as of September 2014, in light of the completion and inspection of the improvements at that time. Engineer Blecke believes this is a reasonable accommodation.

Trustee Hacker inquired on the status of the walking trail. Mr. Possin stated the walking trail is required to be completed by December 31, 2016.

Trustee Hacker expressed concerns with the weed overgrowth located around the Building that is adjacent to the intersection of Route 72 and Tyrrell Road. Mr. Possin believed Trustee Hacker was referring to the native prairie plantings. Administrator Keller will have Chief Building Inspector Swedberg visit the site in question to confirm if the overgrowth is prairie plantings or weeds.

Trustee Hacker expressed concerns with a dirt pile adjacent to the parking lot. He questioned why the visual aesthetics are not as polished as the Northwest Corporate Center located in Elgin. Mr. Possin noted that the Northwest Corporate Center is a fully built-out development. While the Prairie Business Park site is still under construction.

A lengthy discussion ensued on if the overgrowth was weeds or prairie plantings. Trustee Hacker provided those in attendance pictures of the areas in question.

Trustee Zambetti noted that there are other areas in town that have property maintenance violations. Some of the violations are located within his subdivision. However, he realized Staff is working on having the concerns addressed. In addition, in his opinion Interstate Partners industrial buildings are of high quality and promote economic development. The Board Members engaged in a lively debate.

Administrator Keller interjected and reported that Staff is in the process of having Ryland Homes address the property maintenance concerns. Staff has sent a second violation notice listing all the outstanding concerns in Town Center.

Trustee Corbett suggested placing signage in the prairie planting areas noticing the types of plants and including a do not mow notice.

Trustee Hacker inquired if all the Prairie Business park units have been leased. Mr. Possin replied yes all but one has been leased. Trustee Hacker commented on the fact if the development was well manicured it might increase tenant interest.

Trustee Zambetti was not in favor of holding up the release of the performance bond due to weed concerns. Trustee Farrell agreed.

President Zirk discussed the fact that he was not in favor of back-dating maintenance bonds. Mr. Possin noted that the infrastructure improvements have been deemed acceptable by Baxter & Woodman in September 2014 the delay in the maintenance bond release was an oversight on their part.

A brief conversation continued with respect to the property maintenance concerns. Administrator Keller reported that he will direct Staff to meet with Interstate Partners representatives tomorrow to discuss the concerns.

There being no further discussion on the motion, **a Motion was made by Trustee Zambetti and seconded by Trustee Farrell to approve Resolution 33-2015 as amended, a Resolution approving the Prairie Business Park Maintenance Bond #0615388 with an amended expiration date of August 18, 2017.** Roll call: Vote: 6-ayes: Trustees: Corbett, LeClercq, Zambetti, Farrell, Hacker and Kojzarek. 0 nays, 0-abstained. Motion carried.

A Motion to approve Resolution 33-2015, a Resolution approving the release of the Prairie Business Subdivision Performance Bond #0615512 for Building III and Burnett Drive Public Improvements.

Administrator Keller commented on Resolution 33-2015. He reported that Interstate Partners has requested the release of the Subdivision Performance Bond #10615512 for Building III and Burnett Drive public improvements. Engineer Blecke has reviewed the inspection reports and the lien waivers and recommends approval of the release of the bond in exchange for a two-year maintenance bond in the amount of \$106,708.47. This release would be contingent upon posting a separate \$3,000 cash bond to guarantee the completion of the extension of the final eight feet of Burnett Drive to the adjoining property line of the Tyrrell farm, as required by the development agreement.

President Zirk commented on the fact that owners of the Tyrrell Farm had not granted Interstate Partners access to their property to allow for the completion of the extension. In his opinion Interstate Partners should not be required to post the cash bond indefinitely. President Zirk recommended amending the motion to include a two-year sunset provision for the posting of the cash bond. The Board Members concurred with President Zirk's recommendation.

There being no further discussion on the motion, **a Motion was made by Trustee Zambetti and seconded by Trustee Corbett to approve Resolution 34-2015 as amended, a Resolution approving the release of the Prairie Business Park Subdivision Performance Bond #0615512 for Building III and Burnett Drive Public Improvements with a two year sunset provision on the required separate cash bond in the amount of \$3,000.00.** Roll call: Vote: 6-ayes: Trustee Zambetti, Farrell, Hacker, Kojzarek, Corbett and LeClerc. 0-nays, 0-obtained. Motion carried.

Items for Discussion

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

Staff Reports

Administrator Keller provided the Board Members with an update on the Copenhaver restoration site. He reported that Mr. Copenhaver has completed restoring the site, and the only outstanding issue is the final inspection. Administrator Keller noted that Mr. Copenhaver did a nice job restoring the site and correcting the drainage issue on the adjacent property. However, Mr. Copenhaver still has a negative escrow account balance. However, he is current with his legal fee payments. If needed the Board could reopen the consent decree and have the court order Mr. Copenhaver to pay the outstanding engineering fees.

Administrator Keller provided the Board Members with an update on the Village's monument signs.

He reported that the signs have been delayed by two weeks due to the fact the vendor was on vacation.

Assistant Administrator Beith reminded the Board Members that the Northern Kane County Chamber of Commerce Rise n Shine event is scheduled for Friday, August 28th beginning at 8:30 a.m. here at the Village Hall.

Assistant Administrator Beith reported that the Village will be hosting a meet and greet event with Senator Roskam on September 14th. The event will begin at noon with a light lunch followed by a visit to some of the local businesses.

Village Clerk Meadows respectfully asked the Board Members to consider reopening the public comment portion of the meeting. She acknowledged that a resident arrived late and has missed the opportunity to address the Board. The Board Members agreed to reopen the public comment portion of the meeting to provide an opportunity for the resident to speak.

Resident Mr. David Varvarra addressed the Board. He commented on the fact that he was recently cited for having a roaster, chickens and a chicken coop. Mr. Varvarra stated he was unaware that the Village prohibited having chickens in a residential area. He noted that some of the surrounding communities allow chickens even the City of Elgin.

President Zirk commented on the fact that requesting a variance to allow Mr. Varvarra to keep the chickens would not apply. A variance is only granted if the petitioner can prove that there is a hardship. He went on to comment that Mr. Varvarra would need four of the Board Members to support amending the code to allow chickens in a residential zoning district and he does not believe the majority of the Board Members support amending the code.

Mr. Varvarra reported that he no longer has the roaster on his premises. However, he still has 13 chickens and the chicken coop. He had no intention of keeping the chickens during the winter season.

Trustee Kojzarek commented on the fact that she grew-up in Iowa so she does understand the chicken issue. She noted the City of Elgin is currently conducting a pilot program which allowed fifteen property owners to have chickens. Trustee Kojzarek went on to comment that in her opinion amending the code to permit chickens is complicated for many reasons. Most of the village residents have HOAs which would prohibit chickens. In addition she believed there would be a lot of Staff time spent regulating chickens on residential property and finally there are health concerns that would need to be addressed.

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The Board Members discussed what would be a reasonable amount of time to allow Mr. Varvarra to relocate the chickens. Administrator Keller suggested the chicken be relocated by September 15th.

The Board Members concurred with Administrator Keller's suggestion. Administrator Keller will inform Staff of the chicken relocation deadline.

Board of Trustee Reports

The Board Members offered no reports.

President's Report

President Zirk reported he will be absent on September 8th due to a work related matter.

Adjournment

There being no further public business to discuss, **a Motion was made by Trustee Zambetti and seconded by Trustee Farrell to adjourn from the public meeting at 8:45 p.m. Roll call: Vote: 6 ayes by unanimous voice vote. 0 nays, 0 abstained. Motion carried.**

Respectfully submitted,

Debra Meadows

