

Village of Gilberts
87 Galligan Road
Gilberts, IL 60136
Special Village Board
Meeting Minutes
July 11, 2017

Approved
7/18/17

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, Allen, Zambetti, Farrell, Hacker and President Zirk. Others present: Administrator Sakas, Attorney Tappendorf, Finance Director Erickson, Chief Building Inspector Swedberg and Assistant Administrator Beith. For members of the audience please see the attached copy of the sign-in sheet.

Public Comment

President Zirk asked if anyone in the audience wished to share any questions or comments with the Board Members. Those in the attendance offered no comments.

Consent Agenda

- A. A Motion to approve Minutes from the June 20, 2017 Village Board of Appeals Meeting
- B. A Motion to approve Minutes from the June 20, 2017 Village Board Meeting
- C. A Motion to approve the June 2017 Treasurer's Report
- D. A Motion to ratify Bills & Payroll dated June 29, 2017 as follows: General Fund \$12,681.51, Water System \$26,089.66 and Performance Bonds \$889.00
- E. A Motion to approve Bills & Payroll dated July 11, 2017 as follows: General Fund \$161,605.82, Water System \$15,578.78, Performance Bonds \$26,087.00 and TIF #1 \$550.00

President Zirk asked if any of the Board Members wished to remove any items from the consent agenda for separate consideration. The Board Members offered no comments. A Motion was made by Trustee Farrell and seconded by Trustee Zambetti to approve the consent agenda items A-E as presented. Roll call: Vote: 6-ayes: Trustees Kojzarek, Corbett, Allen, Zambetti, Farrell and Hacker. 0-nays, 0-abstained. Motion carried.

Items for Approval

A Motion to approve Ordinance 16-2017, an Ordinance amending the Village of Gilberts' Code Title 9 "Building and Construction" Chapter 9-8A-5 "Materials"

Administrator Sakas commented on the draft code amendment. He noted that recently residents had requested permission to replace their driveways and aprons with brick pavers. However, at this time the code requires driveways and approaches be constructed of Portland cement concrete.

Administrator Sakas reported that Staff recommends approval of the code amendment with a condition that all property owners seeking to construct a driveway approach using driveway pavers must execute a liability waiver acknowledging the fact that they are solely responsible for the repairs and maintenance of the paver aprons.

There being no further discussion on the motion, a Motion was made by Trustee Zambetti and seconded by Trustee Allen to approve Ordinance 16-2017, an Ordinance amending the Village Code regarding driveway approaches. Roll call: Vote: 6-eyes: Trustees Corbett, Allen, Zambetti, Farrell, Hacker and Kojzarek. 0-nays, 0-abstained. Motion carried.

A Motion to approve Ordinance 17-2017, an Ordinance Proposing the Establishment of a Special Service Area Number Twenty-Five in the Village of Gilberts and Providing for other procedures in connection therewith

Attorney Tappendorf commented on the proposing SSA 25 Ordinance. She reported that Developer Mertz (developer of the Conservancy subdivision) is asking the Board Members to consider establishing a Special Service Area to allow for the construction of the Special Services and provide for the refunding of the prior bonds. Attorney Tappendorf noted that the bond proceeds will be used to finance improvements benefitting the proposed special service area and expand the Village's Water Treatment Plant including the construction of two additional wells.

Attorney Tappendorf cited Illinois State Statutes with respect to establishing a Special Service Area. She noted that if the Board approved the proposing ordinance per State Statute there is a 60 day objection period prior to conducting the public hearing. She anticipated the entire SSA establishing process prior to final action will take four months.

Administrator Sakas reported that Staff has tentatively set the Public Hearing date for September 12th.

Trustee Hacker asked if the Village would carry any financial obligation with respect to the establishment of SSA 25. Attorney Tappendorf responded no, the financial obligation is carried by the developer and the bond holders.

There being no further discussion on the motion, a Motion was made by Trustee Zambetti and seconded by Trustee Farrell to approve Ordinance 17-2017, an Ordinance Proposing the Establishment of a Special Service Area Number Twenty-Five in the Village of Gilberts and providing for other procedures in connection therewith. Roll call: Vote: 6-eyes: Trustees Allen, Zambetti, Farrell, Hacker, Kojzarek and Corbett. 0-nays, 0-abstained. Motion carried.

Items for Discussion

Conservancy Fiber Agreement

Trustee Corbett reported that he had been working with Staff and Developer Mertz (who is also the owner of Fosiva Fiber Network) on drafting a fiber license agreement. All parties have agreed on the draft license agreement which was included in the Board packet.

Trustee Corbett provided the Board Members with a brief summary of the highlights of the agreement. He reported that agreement allows for the development of a fiber optic network in the Village limits. In addition, the agreement allows the network hardware to remain in the Public Works Facility. In return the Village will receive two tubes of 12-count strands of multimode fiber (total of 24 strands) which will connect all municipal facilities and replace the aging in-place point to point radio system.

Trustee Corbett reported for the consideration of Fosiva conveyance and its continued obligation to maintain and repair the Fiber, the Village agrees to pay Fosiva \$300.00 per home from the utility impact fee that is part of the permit fees that are imposed and collected from the homes within the Conservancy subdivision up to a maximum amount of \$170,000.00

At this time Trustee Corbett asked the Board Members if they had any questions or comments on the proposed fiber license agreement. Trustee Hacker questioned the relationship the fiber agreement had with respect to NIU and Kane County. Assistant Administrator Beith reported that the Village's currently has two draft agreements one with NIU and the other with Kane County. NIU's agreement provides the Village with 5 static IP addresses and access to their monitoring system which operates 24/7 365 days a year. The cost for NIU's services is \$300.00 annually.

Assistant Administrator Beith commented on the proposed fiber agreement with Kane County. The Village is proposing to convey 4 strands of fiber to the County and in turn the Village will receive a presence on the County's network which provides redundancy to all the entities involved.

Trustee Hacker questioned if the Village needed all 24 strands of fiber at this time. He asked Assistant Administrator Beith how many strands at this time would not be utilized by the Village. Assistant Administrator Beith reported that after the water treatment plant expansion and the expansion of the SCADA system he anticipated that there would be four strands of fiber not being utilized.

Trustee Hacker questioned what would happen to the fiber network if Fosiva was no longer operational. Assistant Administrator reported that the Village would need to contract with a private provider.

Trustee Hacker asked if Assistant Administrator Beith knew how many miles of fiber would be in the network. Assistant Administrator Beith estimated that there will be 3 to 5 miles of fiber within the Village limits.

Trustee Hacker inquired on the current use of the utility impact fee. Administrator Sakas reported that the utility fee per house is \$500.00 and currently the total amount of fees collected is \$53,000.00. Administrator Sakas noted that the Neumann Homes annexation agreement's language is vague on the use of the utility impact fees.

Trustee Farrell asked Staff what type of economic development benefits they envision if the Board Members agreed to invest \$170,000.00 in the fiber optic network. Assistant Administrator Beith commented on the fact that the fiber optic network would set the Village apart from any of the other surrounding communities. The Village would be able to actively recruit data service farms similar to an Amazon distribution center or other large distribution centers.

President Zirk asked Trustee Corbett what was the term of the agreement. Trustee Corbett reported that the term runs for twenty years. However, the agreement is renewed every five years.

President Zirk noted that the Village was not creating a utility and would not be responsible for the billing or maintenance.

Assistant Administrator Beith commented on some of the new Homeland Security regulations with respect to water and wastewater infrastructure and the need to have a proprietary network. In addition, he noted that the current network system has a difficult time supporting the new financial software.

Administrator Sakas noted that the \$170,000.00 will be paid over time as the Conservancy homes sell. He reported that Staff had investigated the cost of having a third party construct the fiber network and provide the service and maintenance related to the network and Fosiva offers a huge cost savings and will serve as investment not a recurring monthly bill.

President Zirk recommended that the Board Members send Staff any remaining comments or questions they have regarding the Fosiva Agreement. Staff will place this matter on the next Board agenda for Board consideration.

Trustee Hacker noted that he is still unsure if at this time the Village needs 24 strands for fiber.

Staff Reports

Administrator Sakas reported that any of the SSA expenses will be paid from the SSA bond proceeds once the bonds are sold.

Administrator Sakas reported that the NPDES permit has been submitted on time to the IEPA. Staff is waiting for their comments if any.

Administrator Sakas reported that there is now a vacancy on the Plan Commission/ZBA.

Administrator Sakas reported that Staff will be conducting the annual TIF Joint Review Board Meeting on September 27th.

Finance Director Erickson reported that the water bills have been mailed to the residents.

Finance Director Erickson reported that the final draft of the audit is on schedule and the auditors will be providing the Board Members with a presentation on the FY-17 CAFR during the August 8th Committee of the Whole Meeting.

Chief Building Inspector Swedberg reported that the Splash Pad timer had been reset.

Assistant Administrator Beith reported that he has begun working on the 2020 Census.

Trustee's Reports

Trustee Corbett commented on the Town Center ponds. He noted that ponds are inundated with algae and he question if this was the Village's responsibility or the HOA's. Chief Building Inspector Swedberg reported that the pond maintenance is the HOA's responsibility.

President's Report

President Zirk has nothing to report at this time.

Executive Session

President Zirk asked if either the Board Members or Staff had any matters they wished to discuss in executive session. Neither the Board Members nor Staff offered any comments.

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Adjournment

There being no further public business to discuss, a Motion was made by Trustee Corbett and seconded by Trustee Zambetti to adjourn from the public meeting at 7:47 p.m. Roll call: Vote: 6-eyes by unanimous voice vote. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows