

**Village of Gilberts  
87 Galligan Road  
Gilberts, IL  
Village Board  
Meeting Minutes  
July 19, 2016**

**Call to Order / Pledge of Allegiance**

President Zirk called the meeting to order at 7:01 p.m. He proceeded to lead those present in the Pledge of Allegiance.

**Roll Call / Establish Quorum**

Members present were Trustees Corbett, Farrell, Hacker, Kojzarek, LeClercq, Zambetti, and President Zirk. Others present were Administrator Sakas, Finance Director Blocker, and Attorney Tappendorf. Assistant Administrator Beith arrived at 7:04 pm.

**Public Comment**

None

**Presentation**

**Northern Kane County Chamber-4<sup>th</sup> Annual Community Service Award**

Melissa Hernandez, President of the Northern Kane County Chamber of Commerce, gave a brief overview of ways the Chamber has been helping with business growth in the communities they serve. She added that the Chamber recently invested in an app (nckchamber) to allow quicker exposure to businesses as well as to community events. This app provides a Business Resource Tab as well as a Resource Tab. Seeing as this app is new, she welcomes and appreciates any feedback.

The Chamber continues to hold quarterly meetings. They are looking to recreate a Mayor's Breakfast which will be held on September 9 at Randall Oaks.

Ms. Hernandez added that the Chamber is in the planning stages for the 4<sup>th</sup> annual Community Service Awards Celebration which will be held on Wednesday, November 16 at Randall Oaks. She suggested the Board begin thinking about who they would like to honor at this year's event.

Ms. Hernandez stated that she will be in contact with Village Clerk, Deb Meadows and thanked the Board for their time.

**Public Hearing**

**Gilberts Development LLC's (Conservancy Development) requested amendments to the PUD and Annexation Agreement**

**A motion was made by Trustee LeClercq and seconded by Trustee Corbett to open the public hearing at 7:06 pm.** Roll Call: Vote: 6-ayes: Trustees Corbett, Farrell, Hacker, Kojzarek, LeClercq, and Zambetti. 0-nays. 0-abstained. Motion carried.

President Zirk informed those in attendance that the Board did not plan on voting on the amendments at tonight's meeting. He proceeded to ask if anyone in the audience wished to speak. Those in attendance stated they were planning on listening for the time being to find out more about the public hearing. However, a resident did question whether there were any wetland concerns on the property. President Zirk explained how the floodplains have changed since 2011.

Village Attorney Julie Tappendorf gave a summary of the changes which are being asked for. This summary memo was included in the Board Packet and is titled Annexation Agreement Public Hearing – July 19, 2016. She stated that the conservancy development was first approved in 2005 with 1000 acres of land. The development was not built since the developer went into bankruptcy. Since that time a portion was purchased by Gilberts Development LLC. Gilberts Development filed an application requesting approval of an amendment to the Annexation Agreement, as well as modifications to the PUD approvals and plans for the portion of the property which he owns. Gilberts Development is looking to modify the number of lots to 997, modify the layout, modify the bulk standards (lot sizes in some cases) and modify the commercial uses, which are changes to Section 3 in the Annexation Agreement. Section 11 deals with the changes to public improvements and is outlined on pages 2-3.

Attorney Tappendorf proceeded to discuss the amendments being asked of Section 12, Potable Water Service, which is located on page 3 of the summary memo. She stated that clarification would have to be made to Section 12.C, making the waiver of the tap-on/connection fees a condition on completion of the water service improvements as described in Section 12.D, which she proceeded to go through. Administrator Sakas stated that he had a meeting this past week regarding locations for a new well. Attorney Tappendorf stated that the Board appeared to be in consensus to allow 123 homes be connected to water prior to the completion of the water plant expansion.

The amendments to Section 13, Special Service Areas and Issuance of Bonds were discussed next. A new Subsection F will be added, and is located on page 3 of Attorney Tappendorf's summary memo.

Section 14, Recapture Agreement will be amended as well to add Subsection D which is located on page 4 of Attorney Tappendorf's summary memo.

The amendments to Section 15, Donations, Impact Fees and/or Contributions were discussed next. In 2014 the Village Board approved a modification to the fee schedule. Modified park contribution fees were adjusted to correspond to a greater land donation.

The amendments to Section 18 deals with required road improvements. Freeman Road improvements must be completed within 2 years of the date in which the Annexation Agreement

amendments are approved. As for Park Site, Subsection I, the park plan requires revision. Section M will be added. The water tower location along with the property necessary for the completion of the Longmeadow Parkway/Huntley Rd/Kruetzer Rd Corridor, which is laid out in the IGA, will be dedicated to the Village.

Section 22 would be amended to add Subsection J to approve building plans for single family homes and the age-targeted homes.

There would be a couple of amendments to Section 24, Declaration of Covenants and Restrictions; Property Owners Association. In addition a new paragraph would be added requiring separate HOA and covenants for the age-targeted neighborhood.

Administrator Sakas stated some concerns he has for the preliminary park plan which include flow of parking, parking along the streets, as well as the distance between parks. He would like to know which amenities are included in the parks. He would like to see a more detailed plan as to how the \$2.8 million is being spent.

Developer Mertz distributed 3 hand-outs to the Board and Staff depicting the probable cost for landscaping for three of the park neighborhoods - 2, 5 and 11. He added that he did provide a concept plan on May 5 with roughly 50 acres of land, but he's willing to go up to 71 acres.

President Zirk asked Mr. Mertz if he was looking for a credit against the total amount donated if he donated additional land. In response, Mr. Mertz stated that he would want what's fair and reasonable as to ways the Village has handled this situation with any other developer. He added that his proposal was for 50 acres, a \$1,000 fee and to build the improvements stated on the three hand-outs. He anticipated the money from the \$1,000 in fees would go towards how they would like to build the parks. President Zirk asked if the developer donated an extra 10 acres, whether Mr. Mertz was looking for \$1.2 million to come off of the \$3.82 million. Mr. Mertz responded yes. President Zirk stated that he believes there is some confusion. He believes the Board was under the impression that land was going to be donated and all the improvements proposed on the concept plan would be made regardless of the amount of land donated, and the village would still receive the fee. President Zirk added that if the developer donated 60 acres, he theoretically would not have to complete any parks improvements.

Attorney Tappendorf stated that the original annexation agreement required a flat fee of \$6,384 per lot which would've brought in roughly \$6 million. They would get a credit off of that with a 21 acre park. If they built facilities which were approved by the Village, they could request additional credits. This was modified in 2014 to provide the developer with some relief on the fees. The land donation went up to 25 acres and the fee went down to approximately \$2,800 per lot, or roughly \$2.6 – \$2.8 million depending on the house sizes.

Mr. Mertz stated his intent is to build the concept plan regardless of the number of acres he donates. President Zirk questioned what Mr. Mertz was hoping to have credited to him, as he had stated previously.

Administrator Sakas pointed out that part of the land donation is open space or the water tower site. Attorney Tom Burns stated that the developer isn't taking credit for the unusable land.

President Zirk questioned what the credit comes off of, if it does not come off the \$2.8 million and the developer isn't looking to pay less than a \$1,000 per unit fee. President Zirk questioned what would happen if the improvements cost more than the fee collected.

Attorney Burns stated that the developer would like the Board to consider using the \$1,000 per unit fee collected by the Village towards the parks.

Mr. Mertz says he originally talked to the previous administrator about receiving credit for a tot park he has already built. He believed he was going to receive credit for it. However, he did not. He added that he was looking for direction from the Board.

Trustee Zambetti stated that he wants to see something definitive in writing. He added that he feels Mr. Mertz is doing more than what was in the original 2014 amendment. Mr. Mertz says he wants to exceed the Board's expectations. He added that he is trying to use the parks to help market the housing sales.

Trustee Farrell stated that she feels there are too many open areas in the center park. She says that since it is secluded from Galligan and Freeman Roads, she feels the HOA should maintain it. Since the ball fields which would be located by the water tower, up north, has public access the Village could maintain it.

Trustee Corbett questioned the impact fees. What they would be at 25 acres. What they'd be at 50 acres. Is the Village still guaranteed \$1 million?

After a lengthy discussion, Mr. Mertz stated that if the fee goes down to \$1,000 per unit, he would guarantee the proposed concept plan. He is hoping that if the present concept with the number of ball fields, estimation of parking spots is approved, the fee would be reduced to a flat \$1,000 per unit fee based on what the Board decides to take of the 50 acres. He added that he would donate up to 50 acres, the improvement value of what was presented in the concept plan along with the \$1,000 per unit fee.

Trustee Farrell stated her concern for future park maintenance.

President Zirk stated that this plan appears to be a better one than the original plan. He says they

need to decide how much land should be HOA maintained.

Trustee Zambetti stated that in the original agreement the park was a square, but it was unusable. President Zirk stated that there are identifiable areas which are usable park spaces. He wants to make sure the Village gets the appropriate value of the facilities.

Attorney Burns stated there would be \$2,828,000 in credits for land whether it's 25 acres or 50 acres being donated. If the board decides they don't want 25, they can accept less. Mr. Mertz is going to complete the park improvements. He will do the dollar value equal to those improvements, and he's going to pay \$1,000 in building permits. Mr. Mertz agreed with that statement.

Trustee Hacker stated that in the beginning of the meeting he was concerned, but added that he is quite comfortable now.

President Zirk asked if additional land was donated, whether the parks impact fee would be reduced. Mr. Mertz stated it would not. He added that the fee of \$1,000 per unit will be paid, in addition to the land, and the improvements will be made as generally outlined in the concept plan.

The developer will work with Administrator Sakas and Attorney Tappendorf to discuss this matter further. The Village will take 25 acres and up to whatever is needed to make the parks work with no credit against the impact fee. Mr. Mertz will do an equivalent of what's on the concept plan which will be worked out with Administrator Sakas.

Resident Fred Kunz of Valencia Pkwy asked what the price range of the houses in the Conservancy is. Mr. Mertz stated that there are 2 models. One has an average sale of \$330,000. The other has another average sale of \$405,000. SSA was discussed next. President Zirk stated that the SSA creates a funding mechanism. The price of the home reflects the SSA.

Mr. Kunz asked if the Board looked into the impact the subdivision will have on the police, fire department and school. The Board informed him that they did. President Zirk explained how the subdivision had been approved in 2005. He added that the age-targeted neighborhood wouldn't generate many children in the park system or schools. He added that 2/3 of the subdivision is located in the Huntley school district. 1/3 is located in CUSD 300, which includes the age-targeted houses, so there is less of an impact on the school.

**A motion was made by Trustee Corbett and seconded by Trustee LeClercq to close the public hearing at 9:20 pm.** Roll Call: Vote: 6-ayes: Trustees Corbett, Farrell, Hacker, Kojzarek, LeClercq, and Zambetti. 0-nays. 0-abstained. Motion carried.

### **Consent Agenda**

- A. A Motion to approve Minutes from the July 12, 2016 Committee of the Whole Meeting**
- B. A Motion to approve Minutes from the June 5, 2016 Village Board Meeting**
- C. A Motion to approve June 2016 Treasurer's Report**
- D. A Motion to approve Bills and Salaries dated July 19, 2016 as follows: General Fund - \$128,640.69, TIF - \$550.00, Performance Bonds and Escrows - \$3,010.75, Water Fund - \$15,259.80, and Payroll - \$57,457.77.**
- E. A Motion to approve Resolution 21-2016, the Splash Pool Policy**

**A motion was made by Trustee Farrell and seconded by Trustee LeClercq to approve the consent agenda items A-E as presented.** Roll Call: Vote: 6-ayes: Trustees Corbett, Farrell, Hacker, Kojzarek, LeClercq, and Zambetti. 0-nays. 0-abstained. Motion carried.

### **Items for Approval**

None

### **Items for Discussion**

None

### **Staff Reports**

Administrator Sakas gave an update on the Coombs Road bridge construction.

### **Board of Trustee Reports**

Trustee Kojzarek added that Coombs Road is expected to be open in 2 weeks. Both lanes will open with a weight limit, and in three years the bridge will be redone.

Trustee Corbett discussed the Grizzlies email. They are looking to use Town Center Park. This will be discussed at the next meeting. An amendment can be made to the existing agreement.

### **President's Report**

None

### **Adjournment**

**A motion was made by Trustee Corbett and seconded by Trustee Kojzarek to adjourn from the meeting at 9:26 pm.** Roll Call: Voice Vote: all ayes: Trustees Corbett, Farrell, Hacker, Kojzarek, LeClercq, and Zambetti. 0-nays. 0-abstained. Motion carried.

Respectfully Submitted,  
Karen Danca