


Village of Gilberts

Village Hall
87 Galligan Road, Gilberts, IL 60136
Ph. 847-428-2861 Fax: 847-428-2955
www.villageofgilberts.com

Village Administrator Memorandum 70-15

TO: President Rick Zirk
Village Board of Trustees

FROM: Ray Keller, Village Administrator 

DATE: August 28, 2015

RE: Village Board Meeting – September 1, 2015

The following summary discusses the agenda items for the Village Board meeting scheduled for September 1, 2015:

1. CALL TO ORDER

2. ROLL CALL / ESTABLISH QUORUM

3. PUBLIC COMMENT

4. CONSENT AGENDA

A. Motion to approve Minutes from the August 18, 2015 Village Board Meeting

Staff recommend approval of the minutes from the August 18 meeting. Please contact Village Clerk Debra Meadows prior to the meeting with any corrections or questions.

B. Motion to approve Bills & Salaries dated September 1, 2015

Please refer to the enclosed spreadsheet, which lists the bills to be approved. If you need additional information about any of these bills, please contact me or Finance Director Marlene Blocker prior to the meeting. Staff recommend approval.

C. Motion to approve Resolution 35-2015, a Resolution authorizing acceptance of Public Improvements for Building III, Phase 1A, and Burnet Drive for the Prairie Business Park Subdivision

Staff recommend approval of this resolution authorizing the acceptance of the Building III, Phase 1A and the Burnet Drive improvements for the Prairie Business Park development. The Board had approved the release of the performance bonds for the listed improvements, but the acceptance of the improvements was implied rather than explicitly stated in the resolution. The provided resolution was drafted to remove any ambiguity about accepting the improvements. The resolution also references the bill of sale, which memorializes the values to be added to the Village's asset management database to comply with GASB 34 auditing requirements.

Public Works Facility
Finance & Building Departments
73 Industrial Drive, Gilberts, IL 60136
Ph. 847-428-4167 Fax: 847-551-3382

Police Department
86 Railroad St., Gilberts, IL 60136
Ph. 847-428-2954 Fax 847-428-4232

Staff added this housekeeping item to the Consent Agenda, but it may be removed for separate action if the Board wishes to discuss the topic further. Please let me know if any additional information will be needed prior to the meeting.

5. ITEMS FOR APPROVAL

A. Motion to approve Ordinance 20-2015, an Ordinance amending the Village Code to require the removal or completion of unfinished structures or removal or burial of abandoned foundations

Staff recommend approval of this ordinance providing a mechanism to compel the completion or removal of unfinished structures and foundations in the Village. The ordinance relies on the Village's authority to protect the health and welfare of Village residents, preserve property values and promote the productive use of property.

The resolution requires that an incomplete primary or accessory structure, such as a house renovation or pool installation, must either completed or removed within 30 days of notice from the Village. The ordinance also requires the completion, removal or burial of unused foundations. The completion period could be extended by the Village if the owner demonstrates progress toward the completion or removal of the incomplete structure. Failure to comply in the granted time period would be a Village Code violation, subject to the Village's enforcement process of notification, fines and court order, if necessary.

The provided ordinance provides an additional mechanism for encouraging property owners and developers to address unsafe or unsightly situations, particularly in cases where the project was abandoned and the building permit has expired. If approved, Staff will begin the process notifying property owners and developers of incomplete improvements that will require their timely attention. Please let me, Village Attorney Julie Tappendorf or Chief Building Inspector John Swedberg know if additional information will be needed prior to the meeting.

B. Motion to approve Resolution 36-2015, a Resolution amending Resolution 40-2014, a Resolution authorizing a Work Order with Baxter & Woodman for professional services for the repair and resurfacing of Old Town Streets

Staff recommend approval of this resolution amending the work order with Baxter & Woodman for their design and construction engineering services for the Old Town drainage improvements to be completed by Phoenix & Associates. Baxter & Woodman is requesting the amendment to increase the not-to-exceed work order limit from \$38,500 to \$54,500.

The original work order provided design services and construction oversight for a maintenance project focused on ditching and roadway resurfacing in Old Town. The project scope was then modified to reconstruct Turner Drive, but the resurfacing of other roads would be limited to patching only where storm water improvements were being made. With the change in project direction and the need for additional surveying to verify the proper grades for the ditches, Baxter & Woodman requested the \$16,000 increase to cover the additional design and inspection costs.

Staff will close out the unused balance of Baxter & Woodman's work order for the completed Mason Road project, freeing \$7,543 to be reallocated to the amended Old Town engineering work order. The additional \$8,456 needed to cover the amendment could be covered using Road Improvement Funds and reflected by a year-end budget adjustment.

Please contact me or Village Engineer Mark Dachsteiner if any supplemental information will be needed prior to the meeting.

6. ITEMS FOR DISCUSSION

A. Conservancy Development Review

At the meeting, Staff will provide a review of the entitlements for the Conservancy Development and outline questions and issues regarding the number of units, sewer capacity and the cost allocation of required improvements for the development. Staff will also review the list of questions and issues that will likely need to be eventually updated through amendments to the annexation agreement and PUD ordinance. E Please contact me with any specific questions or request for additional information that may be needed at the meeting.

7. STAFF REPORTS

Staff will provide any updates at the meeting.

8. BOARD OF TRUSTEES REPORTS

9. PRESIDENT'S REPORT

10. EXECUTIVE SESSION

Please let me know if you have any questions about current executive session topics.

11. ADJOURNMENT

Village Board of Trustees
Meeting Agenda
Village of Gilberts
87 GALLIGAN ROAD,
GILBERTS, ILLINOIS 60136
September 1, 2015
7:00 P.M.
A G E N D A

ORDER OF BUSINESS

1. CALL TO ORDER / PLEDGE OF ALLEGIANCE

2. ROLL CALL / ESTABLISH QUORUM

3. PUBLIC COMMENT

4. CONSENT AGENDA

- A. A Motion to approve Minutes from the August 18, 2015 Village Board Meeting
- B. A Motion to approve Bills & Salaries dated September 1, 2015
- C. A Motion to approve Resolution 35-2015, a Resolution authorizing acceptance of Public Improvements for Building III, Phase 1A, and Burnet Drive for the Prairie Business Park Subdivision

5. ITEMS FOR APPROVAL

- A. A Motion to approve Ordinance 20-2015, an Ordinance amending the Village Code to require the removal or completion of unfinished structures or removal or burial of abandoned foundations
- B. A Motion to approve Resolution 36-2015, a Resolution amending Resolution 40-2014, a Resolution authorizing a Work Order with Baxter & Woodman for professional services for the repair and resurfacing of Old Town Streets

6. ITEMS FOR DISCUSSION

- A. Conservancy Development Review

7. STAFF REPORTS

8. BOARD OF TRUSTEES REPORTS

9. PRESIDENT'S REPORT

10. EXECUTIVE SESSION

A portion of the meeting will be closed to the Public, effective immediately as Permitted by 5 ILCS 120/2 (c) (1) to discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the Village, and as permitted by 5 ILCS 102/2 (c) (11) to discuss litigation against, affecting, or on behalf of the Village which has been filed and is pending in a court or administrative tribunal of which is imminent and as permitted by 5 ILCS 120/2 (c) (21) to review and approve closed session minutes and as permitted by 5 ILCS 120/2 (c) 2 Collective negotiating matters.

11. ADJOURNMENT

Audience Participation

Anyone indicating a desire to speak during Public Comments portion of the Village Board Meeting will be acknowledged by the Village President. All remarks are to be addressed to the Village President and Board of Trustees as a whole, not to any specific person(s). Interrogation of the Village Staff, Village President, Village Board or any other negative comments will not be allowed at this time. Personal invectives against Village Staff or Elected Officials are not permitted.

To ensure that everyone who wishes to speak has the opportunity to do so, please limit your comments to five minutes. Additional time may be granted at the discretion of the Village President.

If you have written comments, please provide a copy to the Village President. If there are a number of individuals present to speak on the same topic, please designate a spokesperson that can summarize the issue.

During Public Comments, the Village President, Trustees and Staff will listen to comments and will not engage in discussion. The Village President or Trustees may ask questions to better understand your concern, suggestion or request. Please direct any personnel concerns to the Village Administrator before or after the meeting.

"The Village of Gilberts complies with the Americans Disabilities Act (ADA). For accessibility Assistance, please contact the Village Clerk at the Village Hall, telephone number is 847-428-2861". Assistive services will be provided upon request.

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

NOT APPROVED MINUTES

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 LeClercq. 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.

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

Rich Janier	GILBERTS PTO	847-594-2925
Don Paul		708-602-2032

VENDOR	GRAND TOTAL	GENERAL FUND	DEVELOPER DONATIONS	PERMIT PASS THRU	PERFORMANCE BONDS AND ESCROWS	WATER FUND	PAYROLL
	264,291.69	26,215.10	-	-	10,252.85	151,431.95	76,391.79
PAYROLL 8/9 - 8/22	76,391.79						76,391.79
ALLIED ASPHALT PAVING COMPANY	26.00	26.00					
ALTERNATE POWER, INC	45.00					45.00	
AT&T U-VERSE	75.00	75.00					
B&F CONSTRUCTION CODE SVC, INC	1,897.50	1,897.50					
BAXTER & WOODMAN, INC.	17,394.85	7,490.00			9,904.85		
THE BUG MAN, INC	33.00	33.00					
CALL ONE	1,431.36	1,121.74				309.62	
COMMONWEALTH EDISON	505.12	505.12					
DYNEGY ENERGY SERVICES	9,746.62					9,746.62	
ELGIN KEY & LOCK CO., INC.	181.25	181.25					
EMBASSY CANTEEN	54.24	54.24					
WRIGHT EXPRESS FSC	3,891.46	3,694.66				196.80	
JOS D. FOREMAN & CO.	364.00	364.00					
GILBERTS POLICE PENSION FUND	1,937.82	1,937.82					
GRAINGER	54.54					54.54	
HACH COMPANY	599.67					599.67	
JUST TIRES	25.68	25.68					
WAYNE KASCHUB	30.00	30.00					
KANE COUNTY RECORDER	141.00	141.00					
MCHENRY ANALYTICAL WATER	2,204.00					2,204.00	
MENARDS - CARPENTERSVILLE	135.29	70.35				64.94	
DUNDEE NAPA AUTO PARTS	815.50	815.50					
NEXUS OFFICE SYSTEMS, INC.	46.15	46.15					
N.I.M.C.A.	55.00	55.00					
OZINGA READY MIX CONCRETE, INC	809.00	809.00					
PACES AUTO SERVICE	125.00	125.00					
TOM PECK FORD OF HUNTLEY, INC	90.49	90.49					
POMP'S TIRE SERVICE, INC.	54.11	54.11					

DRAFT 09/01/15

VENDOR	GRAND	GENERAL	DEVELOPER	PERMIT	PERFORMANCE	WATER	PAYROLL
	TOTAL	FUND	DONATIONS	PASS THRUS	BONDS AND ESCROWS	FUND	
PRAIRIE ANALYTICAL SYSTEMS	1,540.00					1,540.00	
RESERVE ACCOUNT	300.00	300.00					
SARGENTS EQUIPMENT	395.16	395.16					
RICHARD SPINKER	655.00	655.00					
SUBURBAN LABORATORIES	500.00					500.00	
SUNSHINE FARM II	400.00	400.00					
DANIEL SCOTT	429.79	429.79					
TIM & JESSICA MILLER	250.00	250.00					
L & T PAINTING COMPANY	134,100.00					134,100.00	
Ashley & Kevin Jermyn	58.00				58.00		
CLAY SMITH	58.00				58.00		
ARS OF ILLINOIS	58.00				58.00		
TIMOTHY & JESSICA MILLER	58.00				58.00		
TESSA GAVILAN	58.00				58.00		
MICHAEL CHO	58.00				58.00		
THE TERMINIX INTERNATIONAL CO.	225.00	225.00					

**RESOLUTION AUTHORIZING ACCEPTANCE OF PUBLIC IMPROVEMENTS
FOR THE PRAIRIE BUSINESS PARK SUBDIVISION**

WHEREAS, the Gilberts Village Board of Trustees previously approved final plans for Building III of the Prairie Business Park Subdivision pursuant to Ordinance No. 18-2014; and,

WHEREAS, the Village Board approved the release of performance security for the Building III public improvements pursuant to Resolution No. 34-2015, and accepted maintenance security for the public improvements pursuant to Resolution No. 33-2015; and

WHEREAS, the Village Engineer, has recommended that the Village accept the public improvements related to Building III, Phase IA, and Burnet Drive, as identified on the bill of sale attached as Exhibit A to this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF GILBERTS, IN KANE COUNTY, ILLINOIS, as follows:

Section 1. Acceptance of Public Improvements. Upon the recommendation of the Village Engineer, the Village Board of Gilberts hereby accepts the municipal public improvements constructed as part of the development of Building III, Phase IA, and Burnet Drive related to the Prairie Business Park Subdivision, in accordance with the approved plans and specifications, and as identified on the bill of sale attached as Exhibit A. The Village acknowledges receipt of lien waivers from the developer for the public improvements.

Section 2. Effective Date. This Resolution shall be in full force and effect from and after its approval in the manner provided by law.

PASSED BY ROLL CALL VOTE OF THE BOARD OF TRUSTEES of the Village of Gilberts, Kane County, Illinois, this ____ day of ____, 2015.

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Dan Corbett	_____	_____	_____	_____
Trustee Louis Hacker	_____	_____	_____	_____
Trustee Nancy Farrell	_____	_____	_____	_____
Trustee Elissa Kojzarek	_____	_____	_____	_____
Trustee David LeClerc	_____	_____	_____	_____
Trustee Guy Zambetti	_____	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

APPROVED this ____ day of ____, 2015

(SEAL)

Village President Rick Zirk

ATTEST: _____
Village Clerk, Debra Meadows

Exhibit A

Bill of Sale

4819-3436-5479, v. 2

BILL OF SALE

Prairie Business Park TIF JV LLC, an Illinois limited liability company (the "Seller"), for and in consideration of Ten Dollars and No Cents (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby sell, assign and transfer over to the VILLAGE OF GILBERTS, KANE COUNTY, ILLINOIS (the "Purchaser") the following described public improvements as attached hereto as Exhibit "A", owned by Seller, if any, located in the development Prairie Business Park Building III, Burnet Drive and Phase 1A generally located at the Southwest corner of State Route 72 (Higgins Road) and Tyrrell Road in the Village of Gilberts, Kane County, Illinois, to-wit.

The public improvements set forth on those certain site-work plans prepared by RWG Engineering LLC August 7, 2014 ("Improvements").

Seller reserves, for itself the continued right to use the Improvements for the purposes for which same were installed. Seller hereby represents to Purchaser that (a) Seller is the absolute owner of the Improvements, (b) the Improvements are free and clear of all liens, charges and encumbrances, and (c) Seller has full right, power and authority to sell said Improvements and to make this Bill of Sale. All warranties of quality, fitness and merchantability are hereby excluded.

IN WITNESS WHEREOF, Seller has executed this Bill of Sale ____ day of September 2015.

Interstate Partners LLC
Prairie Business Park TIF JV LLC
Limited Liability Company,
An Illinois limited Liability Company
By: Interstate Partners, LLC
Its:
By: _____

Exhibit "A"

RWG Engineering, LLC

Civil Engineering • Real Estate Consulting • Project Management

975 E. 22nd Street, Suite 400, Wheaton, IL 60189 630-480-7889

www.rwg-engineering.com

**ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST
FOR
PUBLIC IMPROVEMENTS ASSOCIATED with BUILDING III at Prairie Business Park
GILBERTS, ILLINOIS
BASED ON PLANS BY RWG ENGINEERING, LLC, LATEST DATE 08/22/14**

DATE: 07/11/14

FILE: 070-001-13

REVISED DATE: 08/12/14

REVISED DATE: 08/22/14

<u>ITEM</u>	<u>DESCRIPTION</u>		<u>UNIT</u>	<u>UNIT PRICE</u>	<u>EXTENSION</u>
A. EXCAVATION, GRADING & EROSION CONTROL					
1.	MASS GRADE ROADWAY CORRIDOR	1.3	AC.	\$ 15,000.00	\$ 19,500.00
2.	4" TOPSOIL RESPREAD, FINE GRADING & SEEDING	2,000	S.Y.	\$ 2.25	\$ 4,500.00
3.	INLET PROTECTION FILTER BASKETS	8	EA.	\$ 500.00	\$ 4,000.00
4.	EROSION CONTROL BLANKET (NAG DS150)	2,000	S.Y.	\$ 3.50	\$ 7,000.00
TOTAL EXCAVATION, GRADING & EROSION CONTROL					\$ 35,000.00
B. SANITARY SEWER					
1.	10" PVC SANITARY SEWER (SDR 26)	473	L.F.	\$ 90.00	\$ 42,570.00
2.	10" DIP SANITARY SEWER CLASS 52	767	L.F.	\$ 160.00	\$ 122,720.00
3.	48" MANHOLE TYPE A W/FRAME & LID	4	EA.	\$ 3,500.00	\$ 14,000.00
4.	CONNECT TO EXISTING SANITARY SEWER PIPE	1	EA.	\$ 500.00	\$ 500.00
5.	SELECT GRANULAR TRENCH BACKFILL (CA-6)	940	L.F.	\$ 75.00	\$ 70,500.00
TOTAL SANITARY SEWER					\$ 250,290.00
C. WATERMAIN					
1.	6" DUCTILE IRON WATERMAIN (FH LEAD) w/POLY, INCL FITTINGS	85	L.F.	\$ 60.00	\$ 5,100.00
2.	10" DUCTILE IRON WATERMAIN w/POLY, INCL FITTINGS	2,644	L.F.	\$ 72.00	\$ 190,368.00
3.	FIRE HYDRANT w/AUX VALVE	7	EA.	\$ 5,000.00	\$ 35,000.00
4.	10" VALVE w/48" DIA VAULT	5	EA.	\$ 5,200.00	\$ 26,000.00
5.	10" VALVE w/60" DIA VAULT, PRESSURE TAP	1	EA.	\$ 7,000.00	\$ 7,000.00
6.	SELECT GRANULAR TRENCH BACKFILL (CA-6)	2070	L.F.	\$ 40.00	\$ 82,800.00
7.	ADJUST EXISTING STRUCTURE RIM ELEVATIONS	2	EA.	\$ 575.00	\$ 1,150.00

TOTAL WATERMAIN**\$ 347,418.00****D. STORM SEWER**

1. 12" RCP STORM SEWER	135	L.F.	\$	48.00	\$	6,480.00
2. 15" RCP STORM SEWER	217	L.F.	\$	50.00	\$	10,850.00
3. 21" RCP STORM SEWER	225	L.F.	\$	62.00	\$	13,950.00
4. 24" RCP STORM SEWER	40	L.F.	\$	65.00	\$	2,600.00
5. 27" RCP STORM SEWER	45	L.F.	\$	72.00	\$	3,240.00
6. 27" RCP STORM SEWER (ASTM C443)	212	L.F.	\$	75.00	\$	15,900.00
7. 24" DIAMETER INLET	3	EA.	\$	1,000.00	\$	3,000.00
8. 48" DIAMETER CATCH BASIN	3	EA.	\$	3,000.00	\$	9,000.00
9. 60" DIAMETER CATCH BASIN	2	EA.	\$	4,200.00	\$	8,400.00
10. 48" DIAMETER MANHOLE	1	EA.	\$	2,500.00	\$	2,500.00
11. 60" DIAMETER MANHOLE	4	EA.	\$	3,700.00	\$	14,800.00
12. SELECT GRANULAR TRENCH BACKFILL (CA-6)	865	L.F.	\$	50.00	\$	43,250.00
13. ADJ EXISTING STRUCTURE RIM ELEVATION	1	EA.	\$	575.00	\$	575.00

TOTAL STORM SEWER**\$ 134,545.00****E. PAVING, CURBS, SIDEWALK, STREET LIGHTS**

1. INTEGRAL CAST 6" BARRIER CONCRETE CURB <i>BURNETT</i>	1,870	L.F.	\$	8.00	\$	14,960.00
2. REMOVE EXIST B6.12 C&G on ARROWHEAD & RIEMER	266	L.F.	\$	15.00	\$	3,990.00
3. 6" DUCTILECRETE PAVT ON 4" AGG BASE (CA-6) <i>BURNETT</i>	4,024	S.Y.	\$	35.50	\$	142,852.00
4. PUBLIC SIDEWALK (ARROWHEAD & BURNET FRONTAGE)	4,600	S.F.	\$	3.80	\$	17,480.00
5. PEDESTRIAN TRAIL (PORTION ALONG SOUTH PROPERTY LINE)	4,140	S.F.	\$	1.80	\$	7,452.00
6. IDOT CLASS III BARRICADES w/ ROAD CLOSED SIGNAGE	2	EA.	\$	500.00	\$	1,000.00
7. PUBLIC STREET LIGHTS	3	EA.	\$	5,000.00	\$	15,000.00

TOTAL PAVING, CURBS, SIDEWALK**\$ 202,734.00****SUMMARY**

A. EXCAVATION, GRADING & EROSION CONTROL	\$ 35,000.00
B. SANITARY SEWER	\$ 250,290.00
C. WATERMAIN	\$ 347,418.00
D. STORM SEWER	\$ 134,545.00

E. PAVING, CURBS, SIDEWALK, STREET LIGHTS

\$ 202,734.00

Burnet Drive

SUBTOTAL

\$ 970,077.00

ADD 10% CONTINGENCY

\$ 97,007.70

TOTAL OPINION OF CONSTRUCTION COST (for bonding)

\$ 1,067,084.70

NOTE: THIS ENGINEER'S OPINION OF PROBABLE COST HAS BEEN PREPARED BASED ON THE ENGINEER'S
EXPERIENCE AS A DESIGN PROFESSIONAL AND IS FURNISHED FOR INFORMATION ONLY. IT DOES
NOT CONSTITUTE A GUARANTEE OF ACTUAL CONSTRUCTION COSTS.

RWG Engineering, LLC

ENGINEER'S OPINION OF PROBABLE CONSTRUCTION COST FOR

PRAIRIE BUSINESS PARK PHASE 1A INFRASTRUCTURE & MASS GRADING (PART OF PHASE I)

GILBERTS, ILLINOIS

BASED ON PLANS BY RWG ENGINEERING, LLC, LATEST DATE 03/21/13

FILE: 01600112

DATE: 12/20/12

REV: 04/01/13

ITEM	DESCRIPTION	ESTIMATED QUANTITY	UNIT	UNIT PRICE	EXTENSION
A. EXCAVATION, GRADING & EROSION CONTROL					
1.	SILT FENCE	4,475	L.F.	2.50	11,187.50
2.	CONSTRUCTION ENTRANCE	1	EA.	2,500.00	2,500.00
3.	EXCAVATION & GRADING (TOPSOIL & STRUCTURAL) (PRAIRIE ROW, TRILLIUM EAST SIDE ROW, BASIN LOT 28)	3.92	AC.	15,000.00	58,800.00
4.	4" TOPSOIL RESPREAD, FINE GRADING & SEEDING	3,575	S.Y.	2.25	8,043.75
5.	INLET PROTECTION FILTER BASKETS	18	EA.	500.00	9,000.00
6.	EROSION CONTROL BLANKET (NAG DS150)	1,930	S.Y.	3.50	6,755.00

TOTAL EXCAVATION, GRADING & EROSION CONTROL \$ 96,286.25

B. SANITARY SEWER

1.	8" PVC SANITARY SEWER (SDR 26): 0' - 12' DEPTH	1,009	L.F.	75.00	75,675.00
2.	8" PVC SANITARY SEWER (SDR 26): 12' - 16' DEPTH	211	L.F.	125.00	26,375.00
3.	8" PVC SANITARY SEWER (SDR 26): 16' - 20' DEPTH	308	L.F.	210.00	64,680.00
4.	48" MANHOLE TYPE A W/FRAME & LID: 0' - 12' DEPTH	5	EA.	3,500.00	17,500.00
5.	48" MANHOLE TYPE A W/FRAME & LID: 16' - 20' DEPTH	2	EA.	7,500.00	15,000.00
6.	48" MANHOLE TYPE A W/FRAME & LID: 20' - 24' DEPTH	2	EA.	9,000.00	18,000.00
7.	EXTERIOR DROP CONNECTION ASSEMBLIES	2	EA.	1,500.00	3,000.00
8.	CONNECT TO EXISTING 18" SEWER	1	EA.	7,500.00	7,500.00
9.	SELECT GRANULAR TRENCH BACKFILL (CA-6)	1,375	C.Y.	30.00	41,250.00
10.	REMOVE EXIST 18" SEWER & PLUG MANHOLE	1	L.S.	9,900.00	9,900.00

TOTAL SANITARY SEWER \$ 278,880.00

C. WATERMAIN

1.	6" D.I. WATERMAIN w/POLY, incl FITTINGS (FH LEADS)	2,090	L.F.	60.00	125,400.00
2.	8" D.I. WATERMAIN w/POLY, incl FITTINGS	1,990	L.F.	66.00	131,340.00
3.	12" D.I. WATERMAIN w/POLY, incl FITTINGS	100	L.F.	80.00	8,000.00
4.	FIRE HYDRANT w/AUX VALVE	7	EA.	5,000.00	35,000.00
5.	8" VALVE w/48" DIA VAULT, COMPLETE	4	EA.	3,200.00	12,800.00
6.	8" VALVE w/60" DIA VAULT, PRESSURE TAP	2	EA.	6,400.00	12,800.00

7.	12" VALVE w/60" DIA VAULT, COMPLETE	2	EA.	4,800.00	9,600.00
8.	8" VALVE & BOX, COMPLETE	3	EA.	2,300.00	6,900.00
9.	SELECT GRANULAR TRENCH BACKFILL (CA-6)	385	L.F.	40.00	15,400.00
10.	R & R SOLA DRIVE FOR WATERMAIN INSTALL	1	L.F.	8,500.00	8,500.00

TOTAL WATERMAIN \$ 240,340.00

D. STORM SEWER

1.	6" PVC DRAIN TILE	120	L.F.	20.00	2,400.00
2.	12" RCP STORM SEWER incl BEDDING & SPOIL REMOVAL	405	L.F.	48.00	19,440.00
3.	15" RCP STORM SEWER incl BEDDING & SPOIL REMOVAL	207	L.F.	50.00	10,350.00
4.	18" RCP STORM SEWER incl BEDDING & SPOIL REMOVAL	382	L.F.	58.00	22,156.00
5.	21" RCP STORM SEWER incl BEDDING & SPOIL REMOVAL	31	L.F.	62.00	1,922.00
6.	24" RCP STORM SEWER incl BEDDING & SPOIL REMOVAL	104	L.F.	65.00	6,760.00
7.	27" RCP STORM SEWER incl BEDDING & SPOIL REMOVAL	294	L.F.	72.00	21,168.00
8.	30" RCP STORM SEWER incl BEDDING & SPOIL REMOVAL	403	L.F.	80.00	32,240.00
9.	36" RCP STORM SEWER incl BEDDING & SPOIL REMOVAL	398	L.F.	90.00	35,820.00
10.	PRECAST CONCRETE FES w/ GRATE - 12"	1	EA.	900.00	900.00
11.	PRECAST CONCRETE FES w/ GRATE - 15"	3	EA.	1,050.00	3,150.00
12.	PRECAST CONCRETE FES w/ GRATE - 36"	2	EA.	1,700.00	3,400.00
13.	24" DIAMETER INLET	7	EA.	1,000.00	7,000.00
14.	48" DIAMETER CATCH BASIN	11	EA.	3,000.00	33,000.00
15.	72" DIAMETER CATCH BASIN	1	EA.	5,500.00	5,500.00
16.	48" DIAMETER MANHOLE	3	EA.	3,000.00	9,000.00
17.	60" DIAMETER MANHOLE	2	EA.	3,800.00	7,600.00
18.	72" DIAMETER MANHOLE	6	EA.	5,000.00	30,000.00
19.	72" DIAMETER SPECIAL STRUCTURE w/ RESTRICTORS	1	EA.	7,500.00	7,500.00
20.	SELECT GRANULAR TRENCH BACKFILL (CA-6)	585	L.F.	55.00	32,175.00
21.	TEMPORARY PVC RISER	1	EA.	800.00	800.00
22.	RIP RAP DEBRIS TRAPS	3	EA.	1,500.00	4,500.00
23.	RIP RAP BASIN OVERFLOW w/ GEOTEXTILE	1	EA.	2,750.00	2,750.00

TOTAL STORM SEWER \$ 299,531.00

E. PAVING, CURBS, SIDEWALK

1.	REMOVE EXISTING B6.12 C&G	130	L.F.	15.00	1,950.00
2.	INTEGRAL CAST 6" BARRIER CONCRETE CURB	1,984	L.F.	8.00	15,872.00
3.	6" DUCTILECRETE PAVT ON 4" AGG BASE (CA-6) (PRAIRIE PKWY & APRONS @ TRILLIUM & BLDG ACCESSSES)	5,540	S.Y.	35.50	196,670.00
4.	PAVEMENT STRIPES	1	L.S.	2,000.00	2,000.00
5.	PCC SIDEWALK - 5" WITH 3" AGG BASE (CA-6) (ALONG PRAIRIE & BLDG II FRONTAGE ON SOLA)	6,910	S.F.	3.80	26,258.00
6.	PEDESTRIAN TRAIL - 6" LIMESTONE SCREENINGS w/ FABRIC (EAST SIDE LOT 30)	3,510	S.F.	1.80	6,318.00

TOTAL PAVING, CURBS, SIDEWALK \$ 249,068.00

F. STREET LIGHTS & SIGNAGE

1.	STREET LIGHTS	9	EA.	3,000.00	27,000.00
2.	STREET SIGNAGE	1	L.S.	1,200.00	1,200.00

TOTAL STREET LIGHTS & SIGNAGE \$ 28,200.00

SUMMARY

A. EXCAVATION, GRADING & EROSION CONTROL	96,286.25
B. SANITARY SEWER	278,880.00
C. WATERMAIN	240,340.00
D. STORM SEWER	299,531.00
E. PAVING, CURBS, SIDEWALK	249,068.00
F. STREET LIGHTS & SIGNAGE	28,200.00
	<hr/>
SUBTOTAL	\$1,192,305.25
ADD 10% CONTINGENCY	<hr/>
	119,230.53
	<hr/>
TOTAL OPINION OF CONSTRUCTION COST	\$1,311,535.78

NOTE: THIS ENGINEER'S OPINION OF PROBABLE COST HAS BEEN PREPARED BASED ON THE ENGINEER'S EXPERIENCE AS A DESIGN PROFESSIONAL AND IS FURNISHED FOR INFORMATION ONLY. IT DOES NOT CONSTITUTE A GUARANTEE OF ACTUAL CONSTRUCTION COSTS.

HIGHLIGHTS:

1. OFFSITE WATERMAIN EXTENSION ON SOLA & CENTRAL NOT INCLUDED (B & W PLANS).
2. EXISTING PAVT OVERLAY NOT INCLUDED - FUTURE PHASE WORK.
3. RT 72 AND TYRRELL RD IMPROVEMENTS NOT INCLUDED - SEPARATE PLAN SETS AND ESTIMATES.

ORDINANCE NO. 2015-20

AN ORDINANCE AMENDING THE GILBERTS VILLAGE CODE TO REQUIRE THE REMOVAL OR COMPLETION OF UNFINISHED STRUCTURES OR REMOVAL OR BURIAL OF ABANDONED FOUNDATIONS

WHEREAS, pursuant to state statute, the Village of Gilberts has authority to regulate construction on private property within the Village; and

WHEREAS, abandoned or incomplete construction projects create a safety hazard, contribute to blight, and have other negative impacts on the subject property, neighboring properties, and the village as a whole; and

WHEREAS, the Village President and Board of Trustees desire to establish procedures for the completion, removal, or, in the case of unfinished foundations, burial or removal of unfinished structures in order to eliminate or mitigate safety hazards from abandoned and incomplete construction projects, protect the health and welfare of Village residents, preserve property values, and promote the productive use of property;

THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GILBERTS AS FOLLOWS:

Section 1. **Recitals.** The recitals set forth above are hereby incorporated into and made a part of this Ordinance as though set forth in this Section 1.

Section 2. **Amendment.** Title IX of the Village of Gilberts Village Code, entitled "Building and Construction," is hereby amended to add a new Chapter 9, as follows:

"Chapter 9 COMPLETION OR REMOVAL OF UNFINISHED BUILDINGS, STRUCTURES, AND FOUNDATIONS

9-9-1: Abandoned or Unfinished Structures:

If a building or structure, or any portion thereof, is not completed or built within the time-frame required by the building or other construction permit or this code, the village has the authority to require the owner to either complete the construction or remove the unfinished building or structure within 30 days from the date of notice from the village. The village may, in its discretion, extend the 30-day period by which the structure must be completed if: (i) the completion of the building or structure has proceeded with due diligence and in good faith, and (ii) conditions have not changed so substantially as to warrant a new application for a building or other construction permit.

9-9-2: Abandoned or Unfinished Foundations:

If a foundation to a building or structure is not built upon within the time-frame required by the building or other construction permit or this code, the village has

the authority to require the owner to either complete the construction or remove or bury the foundation within 30 days of notice from the village. The village may, in its discretion, extend the 30-day period by which the building or structure must be completed if: (i) the completion of the building or structure has proceeded with due diligence and in good faith, and (ii) conditions have not changed so substantially as to warrant a new application for a building or construction permit.

9-9-3: Penalties:

Any person who violates, disobeys, omits, neglects, or refuses to comply with or who resists the enforcement of any of the provisions of this chapter, or who refuses to remedy a violation of any such provision, shall be subject to penalties as provided in title 1, chapter 4 of this code for each offense.”

Section 3. Severability. In the event a court finds this Ordinance or any of its provisions to be invalid or unenforceable as applied, that finding will not affect the validity of the remaining provisions of this Ordinance and the application thereof to the greatest extent permitted by law.

Section 4. Repeal and Savings Clause. All ordinances or parts of ordinances in conflict with this Ordinance are repealed; provided that nothing in this Ordinance will affect any rights, actions, or claims that may have accrued to the Village prior to the Ordinance’s effective date.

Section 5. Effective Date. This Ordinance shall be in full force and effect from and after its approval in the manner provided by law.

PASSED BY ROLL CALL VOTE OF THE BOARD OF TRUSTEES of the Village of Gilberts, Kane County, Illinois, this _____ day of _____, 2015.

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Dan Corbett	_____	_____	_____	_____
Trustee Louis Hacker	_____	_____	_____	_____
Trustee Nancy Farrell	_____	_____	_____	_____
Trustee Elissa Kojzarek	_____	_____	_____	_____
Trustee David LeClerc	_____	_____	_____	_____
Trustee Guy Zambetti	_____	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

APPROVED this _____ day of _____, 2015

(SEAL)

Village President Rick Zirk

ATTEST:

Village Clerk, Debra Meadows

Published: _____

4823-4750-8519, v. 1

**RESOLUTION
VILLAGE OF GILBERTS**

Resolution amending Resolution 40-2014, a Resolution authorizing an agreement between the Village of Gilberts and Baxter & Woodman to provide professional services for the repair and resurfacing of Old Town

Now, be it resolved by the President and Board of Trustees of the Village of Gilberts, Kane County, Illinois that:

Section 1:

The Village of Gilberts hereby amends Resolution 40-2014 by replacing the attachments referenced as Exhibit A with an amended work order with a cost not to exceed limit of \$54,500. Resolution 40-2014 remains in full force and effect except as expressly amended herein.

Section 2:

This resolution shall be in full force and in effect from and after its passage and approval pursuant to law.

Passed this _____ day of _____, 2015 by a roll call vote as follows:

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee David LeClerc	_____	_____	_____	_____
Trustee Dan Corbett	_____	_____	_____	_____
Trustee Nancy Farrell	_____	_____	_____	_____
Trustee Louis Hacker	_____	_____	_____	_____
Trustee Elissa Kojzarek	_____	_____	_____	_____
Trustee Guy Zambetti	_____	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

APPROVED THIS _____ DAY OF _____, 2015

Village President, Rick Zirk

(SEAL)

ATTEST:

Village Clerk, Debra Meadows

VILLAGE OF GILBERTS, ILLINOIS

Engineering Services Work Order
By and Between
Baxter & Woodman, Inc. ("Engineer")
And
The Village of Gilberts, Illinois ("Village")
Old Town Roadway and Drainage Maintenance
Work Order Amendment No. 1

Engineer's Project No. 140565.20

Purpose of Amendment:

This amendment to the original Work Order approved on September 16, 2014 provides for additional work and compensation that are being added to the Project.

Amended Engineering Services:

The scope of services is hereby amended to include additional Design and Construction Engineering for the Old Town Roadway and Drainage Maintenance Project which includes the redesign of the project to include field evaluations and subsequent redesign work of the changes, general construction administration, and field observation/documentation of the redesign work as requested by the Village.

Amended Compensation:

The Engineer's fee for the Project shall be amended as follows:

Current Not-to-Exceed Work Order Limit:	\$ 38,500
Additional Design Engineering:	\$ 12,300
<u>Additional Construction Engineering:</u>	<u>\$ 3,700</u>
Amended Not-to-Exceed Limit:	\$ 54,500

Submitted by: **Baxter & Woodman, Inc.**

By:

Louis D. Haussmann, P.E. PTOE

Title: Vice President / COO

Date: August 6, 2015

Approved by: **Owner Name, State**

By:

Title:

Date:

Additional Comments and Conditions: All other provisions of the Work Order shall remain in full force and effect.

RESOLUTION

VILLAGE OF GILBERTS

Authorizing an agreement between the Village of Gilberts and Baxter & Woodman to provide professional services for the repair and resurfacing of Old Town Streets

Be it Resolved by the President and Board of Trustees of the Village of Gilberts, Kane County, Illinois that:

Section 1:

The Village of Gilberts hereby authorizes the Village President and Village Clerk to execute a professional service agreement between the Village of Gilberts and Baxter & Woodman for the repair and resurfacing of Old Town Streets, attached hereto and made a part hereof as Exhibit A as approved.

Section 2:

This Resolution shall take full force and effect upon its passage and approval as provided by law.

Passed this 16th day of September, 2014 by a roll call vote as follows:

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee David LeClercq			✓	
Trustee Dan Corbett	✓			
Trustee Louis Hacker			✓	
Trustee Nancy Farrell			✓	
Trustee Patricia Mierisch	✓			
Trustee Guy Zambetti	✓			
President Rick Zirk	✓			



Debra Meadows
Debra Meadows
Village Clerk

Rick Zirk
Rick Zirk
Village President

**VILLAGE OF GILBERTS, ILLINOIS
OLD TOWN ROADWAY AND DRAINAGE MAINTENANCE
ENGINEERING SERVICES
WORK ORDER**

ENGINEERS' PROJECT NO. 140565.20

Project Description:

This project includes preliminary design and construction engineering services of drainage (ditching and culvert work) and roadway maintenance (removal and replacement of existing pavement, aggregate base course, minor sidewalk repair (ADA Ramps) and resurfacing), part time construction observation/documentation and general construction administration. A detailed scope of services is found in Attachment A.

Schedule:

The above-described engineering services will begin upon receipt of this Work Order, approved by the Village of Gilberts. Construction of the anticipated maintenance work described above by Phoenix and Associates and or other Contractors will commence as approved by the Village. It is anticipated the design work will begin in 2014/2015 and construction work (drainage and resurfacing work) by others will be done in 2015.

Compensation:

Compensation for the services to be provided under this Work Order will be in accordance with the Engineering Services Agreement dated January 1, 2003. The Engineers' fee for the services described in Attachment A shall be computed on the basis of their hourly billing rates for actual work time performed plus reimbursement of out-of-pocket expenses including travel costs, which total amount will not exceed \$ 38,500

Submitted by: **Baxter & Woodman, Inc.**

By: _____

Lou Haussmann, P.E., PTOE

Title: Vice President/COO

Date: _____

Approved: **Village of Gilberts, IL**

By: _____

Title: Village President

Date: SEPT 16, 2014

Additional Comments and Conditions: None

BAXTER & WOODMAN

List of Improvements

The Project is expected to include hot-mix asphalt resurfacing, isolated sidewalk and driveway repairs, minor drainage improvements/ditching, and restoration

<u>STREET</u>	<u>FROM</u>	<u>TO</u>
Union St.	Willey	Dead End (North)
Willey St.	Railroad	Galligan
Mattesen St.	Railroad	Galligan
Jackson St.	Railroad	Galligan
Turner	Railroad	Galligan
Mason Rd.	Tyrrell	East Village Limits

Scope of Services - Design Engineering

1. **MANAGE PROJECT** - Plan, schedule, and control the activities that must be performed to complete the Project including budget, schedule, and scope. Confer with Village staff, from time to time, to clarify and define the general scope, extent, and character of the Project, and to review available data.

2. **FIELD EVALUATIONS** - Perform a field evaluation on the condition of existing pavements, culverts, and parkways and determine the quantities of repair.

PAVEMENT CORES - Hire a geotechnical sub consultant to take a maximum of 6 pavement cores of the pavement surface and base material to determine the composition of the existing pavement material at locations to be determined during design cost not to exceed **2,000**

3. **DESIGN, PREPARATION OF PLANS, SPECIFICATIONS AND COST ESTIMATES**

- **ESTIMATE OF COST** - Develop a pavement and drainage maintenance strategies. Prepare a summary of quantities, schedules, and an Engineer's Estimate of Cost.
- **SPECIAL PROVISIONS** - Prepare special provisions to meet field conditions.

- QC/QA - Perform an in-house peer review and constructability review of the specifications, and estimates of cost for the Project.
 - FINAL CONTRACT PLANS AND CONTRACT PROPOSAL - Prepare contract documents consisting of Special Provisions, Contract Proposals, and Engineer's Estimate of Probable Construction Cost and submit these documents to the Village to receive construction bids if desired.
4. ASSIST BIDDING – Provide documents for bidding and assist the Village in solicitation of bids from as many qualified bidders as possible, attend bid opening, receive and evaluate bids, tabulate bids, and make a recommendation to the Village for an award of contract.

Scope of Services - Construction Engineering

Act as the Village's representative with duties, responsibilities, and limitations of authority as assigned in the Construction Contract Documents.

1. PROJECT INITIATION

- Prepare Agreement, Contract Documents, Performance/Payment Bonds, and Notice to Proceed. Review Contractor insurance documents.
- Attend and prepare minutes for the preconstruction conference, and review the Contractor's proposed construction schedule and list of subcontractors.

2. CONSTRUCTION ADMINISTRATION

- Prepare for construction layout and staking.
- Prepare Construction Contract Change Orders if necessary when authorized by the Village.
- Review the Contractor's requests for payments as construction work progresses, and advise the Village of amounts due and payable to the Contractor in accordance with the terms of the Construction Contract Documents.

- Research and prepare written response by Engineer to requests for information from the Village and Contractor.
- Visit site as needed by project manager or other office staff.
- Provide the services of a materials testing company, as a subconsultant, to perform proportioning and testing of the Portland cement concrete and bituminous mixtures in accordance with IDOT's Bureau of Materials manuals of instructions for proportioning. Cost for materials testing will not exceed \$3,500

3. FIELD OBSERVATION

- Provide an Engineer at the construction site on a part-time basis of eight (4) hours per day for forty (20) working days (Monday through Friday), not including legal holidays; for one (1) Engineer to stake-out construction lines and grades, to assist the Contractor with interpretation of the Drawings and Specifications, to observe in general if the Contractor's work is in conformity with the Final Design Documents, and to monitor the Contractor's progress as related to the Construction Contract date of completion. The Engineer shall observe the construction operations and report on the progress and quality of the work being performed to determine, in general, that the work is proceeding in accordance with the approved construction schedule and that the materials, finishes, and workmanship are in accordance with the Contract Documents. The Engineer shall provide appropriately experienced personnel with specific knowledge of the requirements of the Project as designed and specified.

The Construction Contractor is a separate company from the Engineer. The Village understands and acknowledges that the Engineer is not responsible for the Contractor's construction means, methods, techniques, sequences or procedures, time of performance, compliance with Laws and Regulations, or safety precautions and programs in connection with the Project, and the Engineer does not guarantee the performance of the Contractor.

- The Engineer shall notify the Village immediately if, in the Engineer's opinion, any materials, finishes and/or workmanship does not conform to the Contract Documents or requires special inspection or testing (beyond the specified requirements), or has been disapproved or rejected by the Engineer. The Engineer and the Contractor shall be liable for the replacement and/or damages incurred as a result of knowingly permitting non-specified material, or otherwise non-conforming work, to be

BAXTER & WOODMAN

incorporated into the Project.

- The Engineer shall be reimbursed for automobile travel expense from the Crystal Lake Office round trip and on site at mileage charges set by the U.S. Internal Revenue service (currently \$0.56 per mile) plus any out-of-pocket expenses at the actual cost.
- Keep a daily record of the Contractor's work on those days that the Engineer is at the construction site including notations on the nature and cost of any extra work.

4. COMPLETION OF PROJECT

- Provide construction inspection services when notified by the Contractor that the Project is complete. Prepare written punch lists during final completion inspections.
- Review the Contractor's requests for final payment, and advise the Village of the amounts due and payable to the Contractor in accordance with the terms of the Construction Contract Documents.

I:\Chicago\GILBV\Mason Rd\140565.60 Work Order 9-2-14.Doc