


Village of Gilberts

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

Interim Village Administrator Memorandum

TO: President Rick Zirk
Board of Trustees

FROM: William Beith, Interim Village Administrator 

DATE: April 29, 2016

RE: Village Board Meeting – May 3, 2016

The following summary discusses the agenda items for the Village Board meeting scheduled for May 3, 2016:

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 April 19, 2016 Village Board Meeting

Staff recommend approval of the minutes from the April 19, 2016 Village Board Meeting. Please contact Village Clerk Debra Meadows prior to the meeting with any corrections or questions.

B. A Motion to approve Bills & Salaries dated May 3, 2016

Please refer to the enclosed Bills & Salaries dated March 1, 2016 to be approved. If you need any additional information about these bills, please contact me or Finance Director Marlene Blocker prior to the meeting. Staff recommend approval.

C. A Motion to approve Resolution 17-2016, a Resolution authorizing a Connection Incentive Program Agreement between the Village of Gilberts and T Corporation for 24 Center Drive

Staff recommend approval of this Resolution authorizing a Connection Incentive Program Agreement that will offer T Corporation a water connection installment payment plan for connecting their building to the municipal water supply. In Resolution 15-2011, the Village Board authorized the \$148,454 repayment of the

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Hill-Newby Recapture Agreement using \$100,000 in Central Area TIF funds and \$48,454 in water enterprise funds. In Ordinance 05-2015 the Village established an incentive program to encourage Central Area TIF properties currently using private wells to connect to the Villages potable water system. The incentive program waived Hill-Newby recapture fees and established a mechanism for payment of the water connection fee in installments over a three year period. T Corporation has a water connection fee of \$4,200 which will be repaid through installment payments of \$116.66 per month. This agreement is to connect the second of four buildings T Corp. owns. Please contact me or Finance Director Marlene Blocker with any questions before the meeting.

D. A Motion to approve Resolution 18-2016, a Resolution for Maintenance of Streets and Highways by the Village of Gilberts, County of Kane, Illinois Under the Illinois Highway Code

This Resolution provides the annual authorization needed to use Motor Fuel Tax (MFT) funds for Village road maintenance expenses. The original Village request was in the amount of \$153,873.50 for maintenance expenses and for partial payment on the Village's General Obligation Bond for road improvements. An itemized accounting of actual expenditures found \$72,013.50 spent for maintenance expenses and \$81,860.00 spent for partial payment on the Village's General Obligation Bond for road improvements. These totaled \$135,343.46 which resulted in a difference of \$18,530.04 which IDOT will transfer back to unobligated funds for future projects. Please contact me or Finance Director Marlene Blocker with any questions before the meeting.

5. ITEMS FOR APPROVAL

There are no items for approval.

6. ITEMS FOR DISCUSSION

7. STAFF REPORTS

8. BOARD OF TRUSTEES REPORTS

9. PRESIDENT'S REPORT

10. EXECUTIVE SESSION

11. ADJOURNMENT

**Village Board of Trustees
Meeting Agenda
Village of Gilberts
87 GALLIGAN ROAD,
GILBERTS, ILLINOIS 60136
May 3, 2016
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 April 19, 2016 Village Board Meeting
- B. A Motion to approve Bills & Salaries dated May 3, 2016
- C. A Motion to approve Resolution 17-2016, a Resolution authorizing a Connection Incentive Program Agreement between the Village of Gilberts and T Corporation for 24 Center Drive
- D. A Motion to approve Resolution 18-2016, a Resolution for Maintenance of Streets and Highways by the Village of Gilberts, County of Kane, Illinois Under the Illinois Highway Code

5. ITEMS FOR APPROVAL

6. ITEMS FOR DISCUSSION

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
April 19, 2016

NOT APPROVED MINUTES

Call to Order/Pledge of Allegiance

President Zirk called the meeting to order at 7:00 p.m. He proceeded to lead those present in the Pledge of Allegiance.

Roll call/ Establish Quorum

Village Clerk Meadows called the roll. Roll call: Members present: Trustees Kojzarek, Corbett, LeClercq, Zambetti, Farrell, Hacker and President Zirk. Others present: Interim Administrator Beith, Finance Director Blocker, Chief Building Inspector Swedberg, Chief of Police Rossi and Clerk Meadows. For members of the audience please see the attached sign-in sheet.

Public Comment

President Zirk asked if anyone in the audience wished to address the Board Members. There were no comments offered from anyone in attendance.

Public Hearing

Budget for Fiscal Year 2017

President Zirk stated that he would entertain a motion to open the Public Hearing. **A Motion was made by Trustee Corbett and seconded by Trustee LeClercq to open the FY-2017 Budget Public Hearing.** Roll call: Vote: 6-ayes: Trustee Kojzarek, Corbett, LeClercq, Zambetti, Farrell, and Hacker. 0-nays, 0-abstained. Motion carried.

President Zirk asked if anyone in attendance had any question or comments on the proposed FY-2017 annual budget. There were no comments from anyone in attendance.

President Zirk stated that he would entertain a motion to close the public hearing. **A Motion was made by Trustee LeClercq and seconded by Trustee Corbett to close the FY-2017 Budget Public Hearing.** Roll call: Vote: 6 ayes by unanimous voice vote. 0-nays, 0-abstained. Motion carried.

Appointments/Reappointments

A Motion to ratify the following appointments and reappointments by the Village President.

- 1. Appointment of the Village Administrator and approval of his employment contract**
- 2. Reappointment of Randy Mills as Chairman to the Plan Commission and Zoning Board of Appeals**
- 3. Reappointment of Susan Davidowski as the Vice Chairman to the Plan Commission and Zoning Board of Appeals**
- 4. Reappointment of Robert Borgardt to the Plan Commission and Zoning Board of Appeals**
- 5. Reappointment of Valerie del Vecchio to the Plan Commission and Zoning Board of Appeals**
- 6. Reappointment of Dean Stiegemeier to the Police Commission**

A Motion was made by Trustee LeClercq and seconded by Trustee Corbett to ratify President Zirk's recommendations of the appointments and reappointments. Roll call: Vote: 6-ayes: Trustees Corbett, LeClercq, Zambetti, Farrell, Hacker and Kojzarek. 0-nays, 0-abstained. Motion carried.

President Zirk thanked Commissioner Stiegemeier for his public service to the Police Commission. President Zirk continued by thanking the Plan/ZBA Commissioners for their public service.

President Zirk introduced Mr. George Sakas. He thanked Interim Administrator Beith for his service as the Interim Administrator.

Clerk Meadows administered the Oath of Office to Mr. George Sakas. All those in attendance welcomed Administrator Sakas.

Consent Agenda

- A. A Motion to approve the Minutes from the April 5, 2016 Village Board Meeting**
- B. A Motion to approve the Minutes from the April 12, 2016 Committee of the Whole Meeting**
- C. A Motion to approve March 2016 Treasurer's Report**
- D. A Motion to approve Bills & Salaries dated April 19, 2016 as follows: General Fund \$73,404.97, Performance Bonds and Escrows \$38,334.26, Water \$32,745.56 and Payroll \$68,932.20**
- E. A Motion to approve Resolution 10-2016, A Resolution authorizing an intergovernmental agreement with Kane County for Animal Control Services**
- F. A Motion to approve Resolution 11-2016, a Resolution authorizing a professional service agreement between the Village of Gilberts and Advanced Automation and Controls, Inc. for SCADA Support**
- G. A Motion to approve Resolution 12-2016, a Resolution approving the Executive Session Meeting Minutes**

H. A Motion to approve Ordinance 06-2016, an Ordinance approving a deviation from the maximum driveway pitch regulation for lot 518 in the Conservancy Development

President Zirk asked the Board of Trustees if there were any consent agenda items they would like removed from the consent agenda. There were no comments from any of the Board Members. President Zirk stated he would like to remove consent agenda items 6.F. for separate consideration. **A Motion was made by Trustee LeClercq and seconded by Trustee Zambetti to approve consent agenda items A-E and G & H as presented.** Roll call: Vote: 6-ayes: Trustees LeClercq, Zambetti, Farrell, Hacker, Kojzarek and Corbett. 0-nays, 0-abstained. Motion carried.

F. A Motion to approve Resolution 11-2016, a Resolution authorizing a professional service agreement between the Village of Gilberts and Advanced Automation and Controls, Inc. for SCADA Support.

President Zirk reported that Staff had informed him prior to the meeting that the indemnified section of the agreement had been amended by Attorney Tappendorf. Interim Administrator Beith reported that the scope of service and the fees had not changed. **A Motion was made by Trustee Zambetti and seconded by Trustee Corbett to approve Resolution 11-2016, a Resolution authorizing a professional service agreement between the Village of Gilberts and Advanced Automation and Controls, Inc. for SCADA Support services as amended by Village Attorney Tappendorf.** Roll call: Vote: 6-ayes: Trustees Zambetti, Farrell, Hacker, Kojzarek, Corbett and LeClercq. 0-nays, 0-abstained. Motion carried.

Items for Approval

A Motion to approve Ordinance 07-2016, and Ordinance amending the FY-2016 Annual Budget for the Fiscal Year Ending April 30, 2016

Finance Director Blocker reported that she had amended the budget line items. However, the bottom line for each department remained the same. **A Motion was made by Trustee LeClercq and seconded by Trustee Zambetti to approve Ordinance 07-2016, an Ordinance amending the FY-2016 Annual Budget for the Fiscal Year Ending April 30, 2016.** Roll call: Vote: 6-ayes: Trustees Farrell, Hacker, Kojzarek, Corbett, LeClercq and Zambetti. 0-nays, 0-abstained. Motion carried.

A Motion to approve Ordinance 08-2016, an Ordinance adopting the FY-2017 Annual Budget for Fiscal Year Ending April 30, 2017

Trustee Hacker questioned why the water/wastewater lab supply line item had increased. Chief Building Inspector Swedberg reported that the increase was due to additional Barium and Radium testing that is now required by the IEPA.

Trustee Hacker questioned why there was a 100% increase in the Public Works equipment maintenance line item. Chief Building Inspector Swedberg reported the equipment maintenance line has increased due to the fact the repair cost for the mowers has increase. In addition, G8 the most senior truck required major repairs this year.

There being no further discussion on the FY-2017 budget, a **Motion was made by Trustee Hacker and seconded by Trustee LeClercq to approve Ordinance 08-2016, an Ordinance adopting the FY-2017 Annual Budget for Fiscal Year Ending April 30, 2017.** Roll call: Vote: 6-ayes: Trustees LeClercq, Zambetti, Farrell, Hacker, Kojzarek and Corbett. 0-nays, 0-abstained. Motion carried.

A Motion to approve Resolution 13-2016, a Resolution committing fund balances.

President Zirk reported that this Resolution is a GASB mandate. There being no further discussion on the motion, **A Motion was made by Trustee Farrell and seconded by Trustees Kojzarek to approve Resolution 13-2016, a Resolution committing fund balances.** Roll call: Vote: 6-ayes: Trustee Kojzarek, Corbett, LeClercq, Zambetti, Farrell and Hacker. 0-nays,0-abstained. Motion carried.

A Motion to approve Resolution 14-2016, a Resolution authorizing the purchase agreement between the Village of Gilberts and Currie Motor for one 2016 Ford Utility Police Interceptor

President Zirk reported that purchase of the one 2016 Police Department vehicle is consistent with the Village's capital equipment replacement policy.

There being no further discussion on the motion, **a Motion was made by Trustee Hacker and seconded by Trustee LeClercq to approve Resolution 14-2016, a Resolution authorizing the purchase agreement between the Village of Gilberts and Currie Motors for one 2016 Ford Utility Police Interceptor.** Roll call: Vote: 6-ayes: Trustees Corbett, LeClercq, Zambetti, Farrell, Hacker and Kojzarek. 0-nays, 0-abstained. Motion carried.

A Motion to approve Resolution 15-2016, a Resolution authorizing the purchase agreement between the Village of Gilberts and Morrow Brothers for one F550 Public Works Truck

Chief Building Inspector Swedberg reported the purchase of the 2016 F550 Truck will replace the 2005 F550 which is the oldest front line plow truck and everyday utility dump truck. The purchase request is for cab & chassis only and is being built to fit a snow plow assemble. Adams Enterprises will remove the existing dump box and salt spreader from the 2005 F550 and reinstall them on the 2016 F550. Chief Building Inspector Swedberg went on to report that the old GMC has maintenance issues due to age and someday he will request the Board sell the GMC to the highest bidder. Trustee Hacker complemented Chief Building Inspector Swedberg on his fleet management efforts.

There being no further discussion on the motion, **a Motion was made Trustee LeClercq and seconded by Trustee Farrell to approve Resolution 15-2016, a Resolution authorizing the purchase agreement between the Village of Gilberts and Morrow Brother for one F550 Public Works Truck.** Roll call: Vote: 6-ayes: Trustees LeClercq, Zambetti, Farrell, Hacker, Kojzarek and Corbett. 0-nays, 0-abstained. Motion carried.

A Motion to approve Resolution 16-2016, a Resolution authorizing the purchase agreement between the Village of Gilberts and BS&A Software for accounting and building software applications and support.

Finance Director Blocker reported that she had worked with both the Village of Sugar Grove and the Village of Elburn to receive a quote and agreement for implementing new accounting and building department software due to the fact that the current financial software will not be supported. All three Village Attorneys collaborated on drafting the contract language. There being no further discussion on the motion. **A Motion was made by Trustee Hacker and seconded by Trustee LeClercq to approve Resolution 16-2016, a Resolution authorizing the purchase agreement between the Village of Gilberts and BS&A Software for accounting and building software applications and support.** Roll call: Vote: 6-ayes: Trustees Zambetti, Farrell, Hacker, Kojzarek, Corbett and LeClercq. 0-nays, 0-abstained. Motion carried.

Staff reports

Interim Administrator Beith thanked the Board Members and Staff for expressing their support in the past weeks.

Interim Administrator Beith reported that the T Corporation is looking to connect two additional buildings to the Village's water system. He asked the Board Members if they were in favor of offering them the same incentive program as they offered with their first building. The Board Members were in favor of offering them the same incentive program as in the past. President Zirk directed Staff to place this matter on the next consent agenda.

Chief Building Inspector Swedberg reported that Daisy Landscape is donating ten trees to the Village. Chief Building Inspector Swedberg reported that Public Works will be transplanting the trees and relocating them to a Village tree farm. Trustee Zambetti suggested transplanting the trees in Town Center Park to provide shade.

Chief Building Inspector Swedberg reported that Staff is still waiting on the permit for the Splash Pad recirculation system conversion.

Trustee Zambetti inquired if there was a way to bypass the system just in case the recirculation system construction was not completed by Memorial Day. Chief Building Inspector Swedberg was unsure. However, he will consult with the contractors and report back.

Finance Director Blocker reported that there are an estimated seventy blue tags to be hung on residents doors reminding them that their water service will be shut-off next Monday unless they pay or set-up a payment plan.

Chief Rossi commented on the next Citizens Police Academy which will begin on July 20th and concluded on September 17th.

Board of Trustees Reports

Trustee Kojzarek reported that the Kane County Development Committee recently approved the Intra Soccer petition to allow for lights on two of their soccer fields. President Zirk noted that they only requested installing lights on one side of the fields and the lights should not have an impact on the adjacent property owners.

President's report

President Zirk thanked Trustees Farrell and Corbett for their efforts serving on the recent search committee. He then proceeded to thank Interim Assistant Administrator Beith for serving as Administrator during the transition period.

Resident Santosh Dogra asked if she could address the Board. President Zirk granted her request. Ms. Dogra reported that she is in the process of obtaining her PhD. She is currently working on a community project which requires her to identify a social need and develop a program to address the issue which she identified. This project requires input from the community and community leaders. President Zirk recommended Ms. Dogra work with Staff in identifying a social need and developing a program. Ms. Dogra thanked the Board Members for their time.

Two residents in the audience expressed their concerns in length with the proposed American Wood recycling petition. President Zirk reported that the Village Board is obligated to hear the petitioner's request. However, this request has not yet been presented to the Village Board. This matter was recently brought before the Plan Commission which recommended approval with several conditions. The Board anticipates this matter will be on an upcoming Board agenda. Trustee Zambetti recommended the two residents check the Village's website on the Friday prior to a Tuesday Board Meeting. The agendas and packets are posted every Friday prior to the Tuesday night meetings. The two residents thanked the Board Members for their time.

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Meeting Minutes
April 19, 2016
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Executive Session

President Zirk asked if the Board Members or Staff had any items that needed to be discussed in executive session. Neither Board Members nor Staff offered any topics that needed to be addressed in executive session.

Adjournment

There being no further public business to discuss, a Motion was made by Trustee Hacker and seconded by Trustee Zambetti to adjourn from the public meeting at 8:06 p.m. Roll call: Vote: 6-ayes by unanimous voice vote. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows

Village of Gilberts
87 Galligan Road
Gilberts, Illinois 60136
Village Board Meeting
April 19, 2016
7:00 p.m.
Sign-in-Sheet

Name

Contact Information (Optional)

Jeanne Allen

Tom Wards

Santosh Dogra

VENDOR ID	VENDOR	GRAND TOTAL	GENERAL FUND	DEVELOPER DONATIONS	PERMIT PASS THRU	PERFORMANCE BONDS AND ESCROWS	WATER FUND
		175,035.75	93,218.95	-	4,657.50	22,306.25	42,427.23
	A.J. GALLAGHER-MAY INSURANCE	21,661.96	16,382.94				5,279.02
ACE002	ACE COFFEE BAR INC.	38.00	38.00				
AMALBANK	AMALGAMATED BANK OF CHICAGO	21,200.00	21,200.00				
ANCEL	ANCEL, GLINK, DIAMOND	5,996.25				5,996.25	
ASAP01	ASAP GARAGE DOOR REPAIR	157.50	157.50				
AT&TUV01	AT&T U-VERSE	75.00	75.00				
B&K001	B&K POWER EQUIPMENT INC	9,865.00	9,865.00				
B&F001	B& F CONSTRUCTION	5,127.50	360.00		4,657.50	110.00	
B&W001	BAXTER & WOODMAN, INC.	14,650.82	2,225.00			.	
BATTGUY	THE BATTERY GUY, INC.	89.99	89.99				
BENCHMAR	BENCHMARK SALES & SERVICE	4,050.00					4,050.00
BPC001	BENEFIT PLANNING CONSULTANTS,	100.00	100.00				
BS&A001	BELLEFEUIL SZUR & ASSOCIATES	34,855.00	17,427.50				17,427.50
BUGMAN	THE BUG MAN, INC	33.00	33.00				
CARG001	CARGILL INCORPORATED	6,372.89	6,372.89				
COM003	COMMONWEALTH EDISON	558.69	558.69				
COMPASS	COMPASS MINERALS AMERICA	2,463.30					2,463.30
DYNEGY01	DYNEGY ENERGY SERVICES	8,856.78					8,856.78
EAST001	EASTERN ILLINOIS UNIVERSITY	70.00	70.00				
EASTERN	EASTERN ILLINOIS UNIVERSITY	175.00	175.00				
EMBCOF	EMBASSY CANTEEN	40.34	40.34				
EXXON01	WRIGHT EXPRESS FSC	2,325.96	2,120.13				205.83
ICOP001	ICOP	90.00	90.00				
IIMC	IIMC	180.00	180.00				
ISAWWA	ILLINOIS SECTION AWWA	335.00					335.00

VENDOR ID	VENDOR	GRAND TOTAL	GENERAL FUND	DEVELOPER DONATIONS	PERMIT PASS THRU	PERFORMANCE BONDS AND ESCROWS	WATER FUND
JGUNIFRM	J G UNIFORMS INC	167.99	167.99				
KANETRAN	KANE COUNTY DIVISION OF	1,398.00	1,398.00				
LABOR001	LABOR READY MIDWEST INC	1,274.00	1,274.00				
LAYNE001	LAYNE CHRISTENSEN COMPANY	10,247.00				10,247.00	
MANALY01	MCHENRY ANALYTICAL WATER	881.00					881.00
MARACO01	MARCO TECHNOLOGIES LLC	75.27	75.27				
MEN002	MENARDS - CARPENTERSVILLE	121.64	101.89				19.75
METRO001	METRO WEST COUNCIL	3,500.00	3,500.00				
MUNICAP	MUNICAP, INC.	37.50	37.50				
NAPA01	DUNDEE NAPA AUTO PARTS	5.69	5.69				
OCARROLL	O'CARROLL ELECTRIC, INC.	4,295.00				4,295.00	
ORION001	ORION LWS, INC.	4,292.00	4,292.00				
PHOENIX	PHOENIX & ASSOCIATES, INC.	1,600.00				1,600.00	
SCUFF01	RICHARD SPINKER	560.00	560.00				
SIGNATUR	SIGNATURE, INC.	58.00				58.00	
SUBLAB01	SUBURBAN LABORATORIES	540.00					540.00
SUN001	SUNSHINE FARM II	450.00	450.00				
T0001907	MEAGAN BENTLEY	30.00	30.00				
UNION01	UNION NATIONAL BANK OF ELGIN	3,510.54	3,510.54				
VERIZ01	VERIZON WIRELESS	255.09	255.09				
VIKING01	VIKING CHEMICAL CO	1,390.69					1,390.69
WCOM01	COMMONWEALTH EDISON-WATER	978.36					978.36

**RESOLUTION
VILLAGE OF GILBERTS**

**A Resolution authorizing a Connection Incentive Program Agreement between
the Village of Gilberts and T Corporation**

WHEREAS, on March 3, 2015, the Village Board passed Ordinance 05-2015, an Ordinance establishing a two-year incentive program to encourage properties located in the Central Area TIF that are currently using private wells to connect to the Village's potable water system. The "water connection incentive" program waived all Hill-Newby recapture fees and allowed for water connections fees to be repaid over a three year period on an installment plan; and

WHEREAS, the Village Board desires to support local businesses and promote economic development and would like to accommodate T Corporation's request for relief from the Village's water fees set forth in the Village Code; and

THEREFORE, be it resolved that Village shall authorize the Finance Director to enter into a Connection Incentive Program Agreement between the Village of Gilberts and T Corporation as follows:

Section 1: Water Connection Fee= \$4,200.00

The Village will offer T Corporation a water connection installment payment plan for a three-year term of \$116.66 per month.

Section 3: The Agreement

The Village of Gilberts hereby authorizes the water connection incentive program agreement and hereby authorized the Village President and Village Clerk to execute any such documents as are necessary and convenient to effectuate the payment of the water connection as here by attached hereto and made a part hereof as Exhibit A as approved.

Section 4:

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

PASSED BY ROLL CALL VOTE OF THE BOARD OF TRUSTEES of the Village of Gilberts, Kane County, Illinois, this ____ day of _____ 2016.

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

APPROVED THIS _____ DAY OF _____, 2016

Village President, Rick Zirk

(SEAL)

ATTEST: _____

Village Clerk, Debra Meadows

Published: _____

CONNECTION INCENTIVE PROGRAM AGREEMENT

This Connection Incentive Program Agreement ("**Agreement**") is made and entered into this _____ day of _____, 2016, by and between **T Corporation**, an Illinois incorporated company ("**T Corporation**") and the Village of Gilberts, an Illinois municipal corporation (the "**Village**"). T Corporation and the Village are hereinafter sometimes individually referred to as a "**Party**" or collectively as the "**Parties**".

RECITALS

WHEREAS, T Corporation is the owner of industrial property located at 24 Center Drive, Gilberts, Illinois ("**Property**") and

WHEREAS, the Village Board had previously approved a "water connection incentive" program that allows utility connection fees to be paid over a three year term; and

WHEREAS, the Village Board has approved a TIF District in which the T Corporation's property is located; and

WHEREAS, T Corporation has requested relief from the Village's water connection fees, as described further in this Agreement; and

WHEREAS, the Village Board desires to support local businesses and promote economic development and is in favor of accommodating T Corporation request for relief from the Village's water fees set forth in the Village Code; and

WHEREAS, T Corporation and the Village have the authority to enter into this Agreement.

NOW, THEREFORE, in consideration of the premises, the mutual covenants, terms and conditions herein set forth, and the understanding of each Party to the other, the Parties hereby mutually covenant, promise and agree to the terms and provisions of this Agreement.

1. Recitals. The recitals set forth above are incorporated into this Section 1 as if fully set forth herein.

2. Water Connection Fees. The Village Board hereby authorizes, and T Corporation agrees to pay, the required water connection fee of \$4,200.00 in monthly installments in an amount of \$116.66 per month over a three year period.

3. Compliance with Laws. This Agreement does not waive or otherwise excuse T Corporation from complying with all other laws, ordinances, regulations, and policies applicable to the development or use of the Property, or the connection of the Property to Village utilities, except as expressly provided in this Agreement.

4. Default. In the event that T Corporation fails to pay any required installment payment or otherwise is in default of this Agreement, the Village shall have any one or any combination of the following rights and remedies, which the Village may exercise in its discretion:

- A. The Village may terminate this Agreement. Upon termination, T Corporation will be required to immediately pay to the Village all of the delinquent payments, and all remaining installment payments shall become immediately due to the Village.
- B. The Village may require T Corporation to reimburse the Village for the TIF reimbursement provided under Section 3 of this Agreement.
- C. The Village may impose interest and penalties on the delinquent installment payments in accordance with the provisions of the Village Code that pertain to utility fees.
- D. The Village may impose a lien on the Subject Property for any delinquent installment payments.
- E. The Village may exercise any other remedy available under law or equity to collect any debt owed to the Village, including without limitation filing a lawsuit against T Corporation.

5. General Provisions.

- A. No amendment or modification to this Agreement shall be effective unless and until the amendment or modification is in writing, properly approved in accordance with applicable procedures, and executed.
- B. The terms of this Agreement shall run with the land and bind and inure to the benefit of the Parties to this Agreement and their agents, successors, and assigns, and will be recorded against the Property to ensure that any future owners of the Property are on notice of the payment obligations under this Agreement.
- C. No claim as a third party beneficiary under this Agreement by any person, firm, or corporation shall be made or be valid against the Village.
- D. If any term, covenant, condition, or provision of this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions shall remain in full force and effect and shall in no way be affected, impaired, or invalidated.
- E. This Agreement constitutes the entire agreement between the parties to this Agreement and supersedes all prior agreements and negotiations between the parties, whether written or oral relating to the subject matter of this Agreement.

- F. Neither party shall be under any obligation to exercise any of the rights granted to them in this Agreement except as it shall determine to be in its best interest from time to time. The failure of any party to exercise at any time any such rights shall not be deemed or construed as a waiver of that right, nor shall the failure void or affect the party's right to enforce such rights or any other rights.
- H. This Agreement shall be construed without regard to the identity of the party who drafted the various provisions of this Agreement. Moreover, each and every provision of this Agreement shall be construed as though all parties to this Agreement participated equally in the drafting of this Agreement. As a result of the foregoing, any rule or construction that a document is to be construed against the drafting party shall not be applicable to this Agreement.
- I. Unless expressly provided to the contrary in this Agreement, each and every one of the rights, remedies, and benefits provided by this Agreement shall be cumulative and shall not be exclusive of any other rights, remedies, and benefits allowed by law.
- J. This Agreement shall be enforceable in the Circuit Court of Kane County, Illinois by any of the Parties, by an appropriate action at law or in equity to secure the performance of the covenants herein described. If any clause or provision of this Agreement is determined to be illegal, invalid, or unenforceable under present or future laws, the remainder of this Agreement shall not be affected by such determination, and in lieu of each clause or provision that is determined to be illegal, invalid or unenforceable, there shall be added as a part of this Agreement a clause or provision as similar in terms to such illegal, invalid or unenforceable clause or provision as may be possible and legal, valid and enforceable.
- K. Notices or other writings which any Party is required to or may wish to serve upon any other Party in connection with this Agreement shall be in writing and shall be delivered (i) personally (ii) sent by registered or certified mail, return receipt requested, postage prepaid, or (iii) served by facsimile transmission during regular business hours; addressed as follows:

If to the Village:

Village of Gilberts
87 Galligan Road
Gilberts, Illinois 60136
Attention: Village Clerk
Facsimile: 847-428-2955

If to T Corporation

T Corporation
185 Industrial Drive
Gilberts, Illinois 6013

IN WITNEES WHEREOF, the Parties hereto have entered into and executed this Agreement on the date and year written below.

Village of Gilberts

An Illinois Municipal Corporation

By: _____

Rick Zirk, Village President

T Corporation

An Illinois Corporation

By: _____

Name and Title: _____

Date executed: _____, 2016

**Resolution
Village of Gilberts
Resolution for Maintenance of Streets and Highways
by the Village of Gilberts, County of Kane, Illinois
Under the Illinois Highway Code**

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 appropriated the sum of \$17,061.77 of Motor Fuel Tax funds for the purpose of maintaining streets and highways under the applicable provisions of the Illinois Highway Code from May 1, 2015 to April 30, 2016 as described in the form hereto attached as Exhibit "A".

An amount not to exceed \$36,421.69 for snow & ice removal, as described in the form hereto attached as Exhibit "A".

Section 2.

BE IT FURTHER RESOLVED, that only those streets, highways, and operations as listed and described on the approved Municipal Estimate of Maintenance Costs, including supplemental or revised estimates approved in connection with this Resolution, are eligible for maintenance with Motor Fuel Tax funds during the period as specified above.

Section 3.

BE IT FURTHER RESOLVED, that the Clerk shall, as soon as practicable after the close of the period as given above, submit to the Department of Transportation, on forms furnished by said Department, a certified statement showing expenditures from and balances remaining in the account(s) for this period; and

Section 4.

BE IT FURTHER RESOLVED, that the Clerk shall immediately transmit two certified copies of this Resolution as attached hereto and made part hereof as exhibit "A" to the district office of the Department of Transportation, at Schaumburg, Illinois.

Section 5.

This Resolution shall be in full force and effect from and after passage and approved in accordance with law.

Passed this _____ day of _____, 2016 by 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 Elissa Kojzarek	_____	_____	_____	_____
Trustee Guy Zambetti	_____	_____	_____	_____
President Rick Zirk	_____	_____	_____	_____

APPROVED this _____ day of _____, 2016

(SEAL)

Village President Rick Zirk

ATTEST: _____

Village Clerk, Debra Meadows

Published: _____

Village of Gilberts

Village Hall

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

TO: President Rick Zirk
Village Trustees

FROM: Marlene Blocker, Finance Director *MB*

DATE: April 25, 2016

RE: Annual MFT Expenditures

Attached is the Annual Municipal Maintenance Expenditure Statement for the period of May 1, 2015 thru April 30, 2016 along with a spreadsheet showing actual expenditures for both crack sealing and snow plowing.

Our original request was for \$72,013.50 for maintenance expenses and \$81,860.00 for partial payment on the Village's General Obligation Bond for road improvements and was approved in January by IDOT. Once approved IDOT transferred the total request to obligated funds. I have transferred \$135,343.46 from MFT funds to the General Fund to cover those approved expenses.

The attached statement will now authorize IDOT to transfer \$18,530.04 back to unobligated funds for future projects.



Local Public Agency: Village of Gilberts
County: Kane
Section Number: 16-00000-00-GM

I hereby certify that the maintenance operations shown below were completed in accordance with the items of work listed on the Municipal Estimate of Maintenance Costs, Form BLR 14231 approved on 1/5/2016, and revised or supplemental Municipal Estimate of Maintenance Costs Form BLR 14231 approved on _____, and that the expenditure of Motor Fuel Tax funds, for that work during the maintenance period of 5/1/2015 through 4/30/2016 is as shown and that receipted bills are on file and available for audit.

Maintenance Operations (As listed on approved BLR 14231)	Maintenance Group	Labor	Materials	Equipment Rental	Contract	Total Maintenance Operation Cost	Operation Engineering Inspection Fee
SNOW & ICE REMOVAL	1.00	13,282.83	23,138.86			36,421.69	
CRACK FILL	1.00	4,761.27	7,877.50	4,423.00		17,061.77	
						-	
						-	
						-	
						-	
						-	
						-	
						-	
						-	
						-	
						-	
						-	
						-	
						-	
						-	
						-	
						-	
Total Maintenance Cost						53,483.46	

Preliminary Engineering Fee	
Engineering Inspection Fee	
Material Testing Costs	
Advertising Costs	
Bridge Inspections Costs	
Total Maintenance Engineering	

Total Maintenance Program Costs	
Contributions, Refunds, Paid with Other Funds	
Total Motor Fuel Tax Portion	
Total Motor Fuel Tax Funds Authorized	
Surplus/Deficit	

Maintenance	Maint. Engineering
53,483.46	-
53,483.46	-
72,013.50	-
18,530.04	-

Remarks:

Submitted: _____ Approved: _____

Municipal Official

Title

Date _____

Regional Engineer

Date _____

**FY-16 MFT Reconciliation
ELIGIBLE EXPENSES
5-1-15 THRU 4-30-16**

	Crack Fill Wages	Crack Fill Equipment	Crack Fill Material	Snow Plow Wages	Snow Plow - Salt	Catch Basin Cleaning	Obligation Retirement	TOTALS
GERALD BARESEL	1,219.75			3,638.75				4,858.50
JASON KLARAS	1,344.61			3,982.02				5,326.63
NEAL HAUFE	585.00			-				585.00
LARRY SCHURING	1,134.91			580.06				1,714.97
RANDY VARAS	-			2,281.50				2,281.50
COLLIN CLARK	-			2,167.50				2,167.50
WILLIAM QUERCIA	477.00							
MICHAEL SWANSON	-			633.00				
SHERWIN INDUSTRIES		4,423.00	7,877.50					12,300.50
SHERWIN INDUSTRIES								-
CARGILL					1,537.93			1,537.93
CARGILL					7,424.40			7,424.40
CARGILL					4,787.47			4,787.47
CARGILL					3,016.17			3,016.17
CARGILL					6,372.89			6,372.89
12/1/15 BOND PAYMENT							81,860.00	81,860.00
Actual P/W Expenses	4,761.27	4,423.00	7,877.50	13,282.83	23,138.86	-	81,860.00	135,343.46
MFT Funds Appropriated	5,000.00	5,000.00	7,877.50	25,000.00	27,136.00	2,000.00	81,860.00	153,873.50
Eligible for MFT Transfer	4,761.27	4,423.00	7,877.50	13,282.83	23,138.86	-	81,860.00	135,343.46
Transfer from MFT to G/F	4,761.27	4,423.00	7,877.50	13,282.83	23,136.86	-	81,860.00	135,341.46