

Village of Gilberts
87 Galligan Road
Gilberts, IL 60136
Village Board Meeting Minutes
June 18, 2013

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 Corbett, Mierisch, LeClercq, Farrell, Hacker and President Zirk. Others present: Administrator Keller, Finance Director Blocker, Chief Building Inspector Swedberg, Attorney Tappendorf, Assistant Village Administrator Beith, and Village Clerk Meadows.

Presentation

Prairie Valley Family YMCA

Director and CEO of the Campanelli YMCA, Dr. Gary Bublitz along with Gilberts Branch Director of Operations, Jennifer Alberts were both in attendance to provide the Board Members with an update on the status of the Gilberts' YMCA programming and membership census.

Dr. Bublitz discussed the Gilberts YMCA programming census numbers. He reported that in 2013 all of the programs had seen an increase in the participation numbers.

Dr. Bublitz commented on the YMCA's two recent surveys that were included in the Village newsletters. He noted that the first survey was to inquire if the residents would be interested in a YMCA Preschool program now that the Gilberts Elementary School has cancelled their program. He noted that they only received 15 interested responses to their survey.

Dr. Bublitz reported during their process of ascertaining information on the implementation of licensing a pre-school program they were informed by the Department of Children and Family Services that in order to comply with space need requirements the 50 Industrial Drive facility will support 20 children.

Dr. Bublitz commented on the support the YMCA provides to the Gilberts area. He noted that they sponsor the Village's annual hay ride and provide support staff for the Village's special events. In addition, they provide \$5,000 annually to the Gilberts Elementary School for use of the facility for their afterschool child care and sports programs. In addition, the YMCA donates money towards the playground and basketball backboards located in the school gymnasium. Dr. Bublitz reported that the YMCA also offers a scholarship fund which provides financial assistant for those in need. They have awarded 685.00 in 2012 and 418.50 in 2013.

Dr. Bublitz reported that two years ago the YMCA was awarded a grant from DCEO in the amount of \$100,000. The grant is restricted to the Village of Gilberts YMCA branch. However, the grant also requires the YMCA to have a facility located within the Village limits with a 15 year lease. At this time the YMCA does not have a facility within the Village limits with a 15 year lease. Nor do they believe that currently this type of facility would be sustainable. DECO has indicated the funds could be reprogrammed to the Taylor Branch if the YMCA would provide evidence of support from the County Board Chairman Lauzen, Senator McConnaughay and the Village of Gilberts. He reported that he had spoken with Senator McConnaughay and she had no problem supporting the request if County Board Chairman Lauzen and the Village of Gilberts were also supportive of reprogramming the funds.

Trustee Zambetti expressed concerns with request to the reallocation of grant funds. He noted that in the YMCA's census data there are only 100 residents participating directly at the Taylor YMCA branch. However, there are 640 residents that are participating in the Gilberts YMCA programs.

Trustee LeClercq questioned why the original grant application was written in such a restrictive manner. Dr. Bublitz reported that he was not involved in writing the original grant and was unable to respond to the question.

Trustee Mierisch commented on the fact that currently there are a lot of areas within the village limits being developed. Director of Operations Alberts agreed. However, she noted that it is not only the leasing cost there is the operational cost that would be unsubstantial at this time. Director of Operations Alberts stated that in her opinion it will take seven to eight years for the Gilberts YMCA programs to grow and generate the amount of revenue required to support and maintain a facility. Director of Operations Alberts went on to express her disappointment with receiving only twenty responses from the Village wide survey. Trustee Mierisch agreed, she is also very disappointed with the lack of input from the residents.

There was some discussion with respect to previous grants awarded to the Village. However, the funds were never received.

The Board Members discussed ways in which they could feel confident that the grant would be allocated to the Taylor and Gilberts branches and not redistributed to the Campanelli branch. Dr. Bublitz stated the YMCA Board Members are honest and committed to providing services to Gilberts. They would do their due diligence to ensure funds were also allocated to Gilberts YMCA programs. The Board Members inquired what would happen to the grant funds if they did not support the reprogramming of the funds. Dr. Bublitz stated that the funds would go back to the state. Trustee Zambetti expressed his concern with allowing the funds to be returned to the state.

Dr. Bublitz commented on the fact by having the funds redirected to the Taylor Branch this action would allow for other funds to support programming and facility improvements in Gilberts. He noted one example would be to complete the Frisbee Golf Park.

Trustee Mierisch inquired if the Village was to support the reallocation of the grant funds would the action have any impact on other grant opportunities. Administrator Keller replied that each grant application is independent of other grant applications.

Trustee Mierisch also agreed. She did not want to see the grant funds returned to the state. Trustee LeClercq agreed with Trustee Mierisch. Trustee Mierisch stated she would like to have a document stating how the grant funds will be allocated. Trustee Hacker was comfortable with the grant funds being reprogrammed as long as some of the funds were allocated to support Gilberts' programs. In addition, he would also like to have a document noting how the funds will be allocated.

Staff will work with the YMCA to draft an agreement documenting the reallocation of the grant funds.

Public Comment

Resident Juan Gonzales who resides at 140 Reston addressed the Board. Mr. Gonzales stated that he and his family moved into to their residence in Gilberts Town Center last November. He has three small children and was in the process of having a fence installed on his property. Mr. Gonzales reported that both the HOA and the building department had approved the fence plans. However, upon the post holes inspection Chief Building Inspector Swedberg stopped work and informed him the board on board fence was not in compliance with the amended annexation and development agreement. He realized after the original approval that the amended annexation and development agreement restricted this type of fencing materials on lots 123-160. Lots 123-160 are restricted to the use of black wrought iron or aluminum fences. Mr. Gonzales realized the fact that everyone makes mistakes and he was very gracious and understanding. However, he had paid his contractor a deposit and is uncertain if his contractor will refund his down payment.

President Zirk provided Mr. Gonzales with a brief history on the Ryland and Plote's annexation and development agreement amendment process. He noted that the fence restriction was a compromise to provide the duplex section of the development to maintain its original character.

President Zirk expressed his sympathy with Mr. Gonzales' situation. He noted that the Village procedurally had two options. The Village could choose not to enforce the fence restriction or Mr. Gonzales could apply for a hardship variance.

Trustee Mierisch expressed concerns with respect to Ryland Homes not providing home buyers with the information about various restrictions associated with their deeds. She noted that Ryland agreed to provide home buyers with a letter of awareness. Trustee Mierisch also expressed concerns that the HOA was unaware of the restrictions.

President Zirk stated that in his opinion this matter is a Ryland issue and should be resolved by Ryland. Trustee Mierisch agreed. Trustee Mierisch asked Mr. Gonzales if Ryland had provided him with any correspondence referencing the lot restrictions. Mr. Gonzales replied no not to his knowledge. She noted that if Ryland is not providing home buyers with letters of awareness then situations similar to this should be corrected by Ryland. Trustee Mierisch would like to have a resolution for Mr. Gonzales by the end of next week.

Attorney Tappendorf questioned if Ryland had amended the CCR's to reflect the recorded amended annexation and development agreement.

Trustee LeClercq suggested the Village refund Mr. Gonzales building permit fees. Trustee Mierisch sympathized with Mr. Gonzales' situation.

Staff will contact Ryland to inform them of the concern and also see what type of disclosure documents they are providing the home buyers. Staff will keep the Board Members apprised of the situation as it develops.

Consent Agenda

- A. A Motion to approve Minutes from the June 4, 2013 Village Board Meeting**
- B. A Motion to approve the May 2013 Treasurer's Report**
- C. A Motion to approve Bills and Salaries dated June 18, 2013 as follows: General Fund \$66,902.01, Permit Pass Thrus \$1,672.50, Performance Bonds and Escrows \$3,108.75, Water Fund \$84,226.42**
- D. A Motion to approve Ordinance 17-2013, an Ordinance Adopting Prevailing Wage Rates to be paid to laborers, Mechanics and other Workers Performing Construction of Public Works in the Village of Gilberts, Kane County Illinois**
- E. A Motion to approve Resolution 15-2013, a Resolution authorizing an agreement between the Village of Gilberts and AID to provide transit service to residents with disabilities in the amount not to exceed \$500.00**
- F. A Motion to approve Resolution 16-2013, a Resolution approving the Executive Session Meeting Minutes**
- G. A Motion to ratify a separation agreement dated July 1, 2013**

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

Items for Approval

There were no items listed under the title "Items for Approval".

Items for Discussion

School Impact Fees Loan Repayment

Attorney Tappendorf discussed various ways in which the Board could calculate school impact fees. The current UDO impact fee formula could be amended to reflect the Board's recommendation to either decrease or increase the rate. However, the majority of the impact fees are implemented through the annexation and development agreements.

Attorney Tappendorf commented on an option in which the Board Members can place limits on what the school district could use the collected impact fees on.

A lengthy discussion ensued with respect to the Naperville Study. This study is the formula that most communities use to calculate impact fees.

The Board Members agreed the draft UDO should contain stronger language addressing how impact fees are allocated within the Village limits.

Staff Reports

President Zirk reported that Stacey owner of Four Legged Pets has informed him that her facility has become a dumping ground for stray or unwanted dogs. Stacey has inquired if the Village would consider compensating her for the expense of providing food and shelter to the stray animals. Staff will discuss this matter with Chief Williams as this solution may be more cost effective than contracting with the county.

Chief Building Inspector Swedberg reported that several residents are not maintaining their culverts as required per Ordinance. He was looking for direction from the Board. The Board Members directed Chief Building Inspector Swedberg to enforce the code.

Finance Director Blocker provided the Board Members with an update on the audit. She reported that the audit went well and that they finished reviewing the financial documents two days ahead of schedule.

Chief Building Inspector Swedberg reported on the Public Works activities. He went on to comment on the tree replacement program. President Zirk recommended staff amend the policy to include a not to exceed amount. Trustee Mierisch inquired if the HOAs are permitted to participate in the program. Chief Building Inspector Swedberg reported that the program's intent is to replace dead trees in the parkways adjacent to residential properties.

Chief Building Inspector Swedberg reported that the water intern position interviewing process was underway. To date they have interviewed some strong candidates.

Assistant Village Administrator Beith reported that he and Chief Williams had met with representatives of the True Patriots Care Foundation to discuss details of their upcoming August event.

Trustees Reports

Trustee Zambetti inquired about the status of AT&T construction work and when they plan on restoring the sites. Chief Building Inspector Swedberg replied they will be restoring the various construction sites as soon as they completed all the work.

Trustee Hacker requested that the YMCA provide a detail report on how they plan to allocate the \$100,000 grant funds. Administrator Keller replied he will work with the YMCA in drafting an agreement that includes details on how the grant funds will be allocated.

President's report

President Zirk had nothing to report at this time.

Adjournment

There being no further business to discuss, a Motion was made by Trustee Zambetti and seconded by Trustee Farrell to adjourn from the public meeting at 9:14 p.m. Roll call: Vote: 6-ayes by unanimous voice vote. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows