

**Village of Gilberts  
87 Galligan Road  
Gilberts, IL 60136  
Committee of the Whole  
Meeting Minutes  
November 12, 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, Zambetti, Farrell, Hacker and President Zirk. Others present: Administrator Keller, Assistant Administrator Beith, Finance Director Blocker and Village Clerk Meadows. For members of the audience please see the attached list.

**Presentation**

**Water Reclamation Facility Plan Amendment**

Engineer Fisher provided the Board Members with a power point presentation on the Water Reclamation Facility Plan Amendment. Engineer Fisher noted that the plan details his assumptions on the projected population growth and the PE capacity required to serve the population through 2036. Engineer Fisher reported that the plan proposes to phase in the improvements over the course of 20 years. He commented on each of the five phases.

Engineer Fisher noted that the original WRF plan was drafted in 2009 with the assumption that a majority of the improvements would be completed in the very near future at the current projected construction cost. However, when the Neumann Homes development failed and went into foreclosure the expansion was placed on hold. Engineer Fisher noted that the amended plan takes into consideration the inflation rate with respect to the WRF improvements. He reported that he used accredited ENR construction cost index to formulate the inflation rate. The inflation rate increase for 2009-2013 is 15.40% which equates to 3.65% per year. The total inflation rate beyond 2013 is 140.96% which equated to 4.35 per year.

Engineer Fisher discussed various mechanisms to pay for WRF improvements. He reported that one option available to the Village could be debt service. The IEPA does have a low interest loan program which offers a 1.9% interest rate for a twenty year term.

Committee of the Whole

Meeting Minutes

November 12, 2013

Page 2

Engineer Fisher commented on other revenue streams the village could use to fund the improvements. He reported that the Village currently had \$1,000,000 of cash on hand of which \$500,000 to be held in reserve. In addition, the Village is slated to receive a repayment in the amount \$1,500,000 from District 300 of which \$500,000 will be held in reserve leaving \$1,000,000 available.

Engineer Fisher reported that he did not use developers' upfront contributions in his assumptions. However, he did factor in connection fees with an average of fifty homes being built per year. However, he was uncertain how many of the developers had prepaid their connection fees. Staff reported they recalled Neumann Homes and Riemer had repaid their connection fees.

Engineer Fisher noted that one other revenue stream which could be used to offset the cost of the improvements is user charges. He reported his assumption represents increasing the water rates by 9.35% per year for the next 23 years.

Engineer Fisher asked the Board Members for guidance on the assumption he used. He wanted to ensure the assumptions were reasonable. Trustee Zambetti commented on the fact by phasing in the improvement over twenty years the inflation factor extremely increases the cost of the improvements.

Administrator Keller discussed the fact that per the Neumann Homes development agreement there is already PE capacity committed. When the time comes and the Conservancy is developed the single family homes with the allocated PE will over burden the current system.

President Zirk discussed the reality of the situation. He noted that in order to meet the current and committed PE obligations the Village needs to create a revenue stream to fund the improvements. However, he is unsure if increasing the current water rates to provide for future growth is fair to the current users. However, to defer any action to future years might not be a responsible recourse.

A lengthy discussion ensued with respect to future development connection fees and creating a competitive environment.

Engineer Fisher discussed the events with respect to the Neumann Homes development and the mindset in 2006. He reported that the Neumann Home PE capacity commitment was strongly encourage by the Neumann Homes representatives.

A lengthy discussion ensued with respect to the 2008 Water Rate Study. The mid range water rate as approved did not fund future capital needs.

The Board Members discussed in detail Engineer Fisher's assumptions and the options to fund the WRF improvements.

Administrator Keller will email the Board Members Engineer Fisher's presentation along with the exhibit from the report that details the assumptions behind the development to be served in the future. Administrator Keller and Engineer Fisher will continue to work on the various funding scenarios. This matter will be discussed again at a future Board meeting.

#### **Items for Discussion**

##### **Minutes for the November 5, 2013, Village Board Meeting**

President Zirk asked if there were any comments on the November 5, 2013 Village Board Meeting Minutes. There were no comments. The minutes will be placed on the next consent agenda.

##### **October 2013 Treasurer's Report**

President Zirk asked if there were any comments on the October 2013 Treasurer's Report. There were no comments. The Treasurer's Report will be placed on the next consent agenda.

##### **Resolution 25-2013, a Resolution for the Estimate of the Amount of a Tax Levy in Compliance with the Requirements of the Truth in Taxation Act**

Administrator Keller reported that the Village is required to set a maximum amount of property taxes to be collected in the next tax year. Because the projected levy increase is less than 5% over the 2013 levy, the Truth in Taxation Act does not require a public hearing. However, Staff recommends that a public hearing be held to maintain transparency and provide residents an opportunity to comment on the levy. The Board Members agreed with Staff's recommendation. The public hearing will be held on December 17<sup>th</sup>.

##### **Parking Regulations-Recreational Vehicles/Motor Homes**

Administrator Keller reported that per the Board's direction staff had researched how other communities regulate the parking of recreational vehicles. The information had been included in the packet. Currently the code does allow recreation vehicles to be parked on residential streets for 24 hrs to provide an opportunity to load and unload the vehicles. At the last Board Meeting a resident located in Timber Glen asked the Board if they would consider amending the code to allow recreational vehicles to be parked on the street for 48 hours.

President of Timber Glen's HOA, Mr. Mark Palmer reported that the resident asking for a code amendment parks his recreational trailer on the street with no vehicle attached. He is concerned in an emergency situation there would be no quick way to remove the trailer. The Board Members were unaware the request was with respect to parking a trailer on the street.

Trustee Zambetti was in favor of restricting all on street parking. Trustee LeClercq was not in favor of allowing any recreational vehicles to be parked on the street. Trustee Farrell was in favor of leaving the code as currently written. Trustee Corbett reported that he originally had no problem with increasing the time to 48 hours until it was reported that the recreational vehicle on occasion is only the trailer. Trustee Mierisch commented that she is opposed to amending the code and/or agreements base on one resident's request. President Zirk agreed. Trustee Hacker commented that in his opinion on street parking of recreational vehicles creates a life safety hazard.

President Zirk noted that there has not been an overwhelming outcry from the community to amend the parking restrictions. The Board has only received this one request. The Board Members agreed not to take action on this request. Staff will contact the resident who requested the code amendment.

#### **Gilberts Town Center-Fencing Questions**

Trustee Mierisch commented on the recent circulation of a petition to amend the Gilberts Town Center annexation agreement, PUD Ordinance and the CCR's to allow board on board fencing on the newly rezoned single family lots 123-160. As she recalled the resident circulating the petition originally purchased a Town Center single family lot and then chose a different lot due to the location of an industrial facility. When the resident chose the new single family lot she was informed by Ryland that the lot had fence restrictions. Trustee Mierisch recalled the last conversation with respect to the residents fencing concern was Ryland was going to work with the resident and possibly assist with the additional cost associated with the wrought iron fence. Trustee Mierisch questioned why the issue had resurfaced.

Administrator Keller noted that the Village would need to amend the annexation agreement for Gilberts Town Center, which would include a new public hearing with notification and would require a 2/3 approval by the Village Board. The Village Board would also need to subsequently approve the PUD ordinance for the resubdivided lots. The petition would need to complete the procedures for amending the CCRs as outlined in Article 11 of the Town Center's CCRs.

Administrator Keller reminded the Board that previously they required individuals in the Indian Trails neighborhood to secure 75% written approval of the property owners of record before initiating the Indian Trails Overlay zoning district process.

President Zirk reported he had spoken with John Carroll, President of Ryland Homes and he has no interest in entertaining the idea to amend the CCRs. The Board Members unanimously agreed they also had no interest in amending the ordinance or the PUD governing Town Center.

The Board Members directed staff to review any materials being circulated to ensure accuracy.

#### **FY-2014 Budget Update**

Finance Director Blocker reported that the revenues and expenses are currently in-line with the budget projections. The only item that is exceeding the budgeted amount is the Ride in Kane program. She reported that there has been a spike in the number of rides. Finance Director Blocker will investigate the reason for the increase in cost.

#### **David Taussig & Associates-Invoices**

Administrator Keller reported that the Village has been contacted by David Taussig & Associates regarding outstanding invoices due for Special Service Area (SSA) #19. The firm handles all of the administrative duties including the tax levies for all the SSAs within the Village.

Taussig had indicated that they will no longer wait for payment and will discontinue services to the Village if the outstanding balance is not paid. They have offered to take a 50% settlement on the outstanding balance, modeled after a similar deal they reached with the Village of Volo for their Neumann Home related SSA invoices.

President Zirk questioned what if the Village did not levy for SSA 19. Trustee Mierisch questioned if the Village was not to levy would that have an impact on the Village's bond rating. Administrator Keller will discuss this matter with Attorney Tappendorf.

#### **Staff Reports**

Administrator Keller reported staff is continuing to discuss the Conservancy development with Mr. Mertz who is the new land owner and one of the bond holders. A lengthy discussion ensued with respect to the 1.2 million dollars in legal fees incurred by the Village. Administrator Keller stated this matter and other issues are being addressed with Mr. Mertz.

Administrator Keller provided the Board Members with an update on the pending rezoning of the soccer facility. Kane County has rescheduled the zoning hearing until December 2. Administrator Keller will be attending the meeting and voicing the Village's objections.

Assistant Administrator Beith provided the Board with an update on the Pickstock fiber agreement. He reported the Pickstock agreement is still drafted as a financial agreement and doesn't take into consider that the Village is governed by State Statutes.

Finance Director Blocker reported that a letter will be going out to the residents that have yet to allow the Village access to their homes to change out their water meters. The letter will inform the resident if they don't allow Village access to their meters their next water bill will be doubled.

#### **Board of Trustees Reports**

None

#### **President's Report**

President Zirk reminded everyone of the Plan Commission Meeting scheduled for Wednesday, November 13<sup>th</sup>. Old Town residents have been invited to provide feedback and ask questions about the draft UDO. Trustee Mierisch directed staff to investigate the property located at 6 Railroad. There is constantly a lawn full of bikes, sinks and many other items.

#### **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 9:22 p.m. Roll call: Vote: 6-ayes by unanimous voice vote. 0-nays, 0-abstained. Motion carried.**

Respectfully submitted,

Debra Meadows

