

**Village of Gilberts
87 Galligan Road
Gilberts, IL 60136
Board of Trustees
Meeting Minutes
November 19, 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, Chief of Police Williams, Assistant Administrator Beith, and Village Clerk Meadows. For members of the audience please see the attached list.

Recognition

Police Officer Life Saving Award

Chief of Police Williams stated that from time to time police officers display extraordinary dedication to public service. Chief Williams recognized and awarded Officers Eric Meador and Rob Wittenauer with Life Saving Awards. He proceeded to read the citation as follows: On the night of September 23, 2013, Officers Eric Meador and Robert Wittenauer were dispatched to a residence where there was a report of a person choking with no airway. The Officers responded and arrived before fire department paramedics. The officers immediately assessed the victim's vital signs which were unconscious and not breathing, and began to perform high quality cardio pulmonary resuscitation and applied the squad equipped AED device. Officers continued to perform CPR until the arrival of paramedics.

Rutland Dundee Fire Protection District assessed the actions of the officers thus, "because of the quick actions of Officers Meador and Wittenauer, we were able to obtain return of spontaneous circulation in the patient. The officer's immediate actions gave the patient the best chance of survival by ensuring high quality cardiopulmonary resuscitation was being immediately performed. Officers Meador and Wittenauer are here by awarded the Department Life Saving Award for their exemplary actions.

The Board Members along with the audience applauded the officers for the outstanding efforts and thanked them for their service to the community.

Public Comment

Mr. Juan Gonzales who resides in Gilberts Town Center addressed the Board. He proceeded to introduce his family.

He commented on the fact that his wife has been working relentlessly to petition the HOA and the Board to amend the CCR's to allow board on board fencing. He noted that board on board fencing is allowed in other sections of Town Center.

Mr. Gonzales reported that the required wrought iron fencing is twice the cost of the board on board fence and during his wife's petition drive the majority of the duplex owners had no concerns with amending the CCR's to allow for the board on board fencing. He believed that the Gilberts community would be a community in which his voice could be heard and the local officials would be receptive to suggestions from the community. However, in his opinion this was not the case.

President Zirk discussed the process in amending the CCR's. He noted that the CCR's dictates the process and the required amount of signatures. The Village Board does not have the authority to amend the CCR's. The CCR's can only be amended if 75% of all Town Center property owners are in favor of the amendment being brought forward.

Trustee LeClercq sympathized with Mr. Gonzales. He reported that he too in the past had experienced an issue with the CCR's governing his subdivision. Trustee LeClercq commented on the fact that his subdivision prohibits sheds. However, at the time he was unaware of the prohibition and constructed a shed which later had to be torn down.

Trustee Zambetti noted that he also lives in Gilbert Town Center and is prohibited from constructing any type of fence. However, one of the reasons he purchased the home was due to prohibition on fences. He prefers the open space aesthetics that the prohibition on fencing provides.

Trustee Mierisch commented on the fact that she was voted into office to represent a majority of the residents and the majority of the residents who reside in the Town Center duplexes are in favor of the current CCR's restrictions.

Mr. Gonzales reported that he and his wife have realized this was an issue that would not be readily resolved so they will cease the petition drive. Mr. Gonzales thanked the Board Members for their time.

Consent Agenda

- A. A Motion to approve Minutes from the November 5, 2013 Village Board Meeting**
- B. A Motion to approve Minutes from the November 12, 2013 Committee of the Whole Meeting**
- C. A Motion to approve October 2013 Treasurer's Report**
- D. A Motion to approve Bills and Salaries Dated November 19, 2013 as follows: General Fund \$274,795.90, Performance Bonds and Escrows \$4,533.75, Water Fund \$28,745.25 and Payroll \$70,785.64**
- E. A Motion to approve 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**

President Zirk asked the Board Members if there was any item they would like to remove from the consent agenda. There were no comments from the Board Members.

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

Items for Approval

A Motion to approve Resolution 26-2013, a Resolution authorizing a Professional Service agreement between the Village of Gilberts and Current Technologies to provide IT services

President Zirk inquired if any Board Members had any questions on the resolution approving the new IT provider. There were no questions offered by the Board Members. **A Motion was made by Trustee Farrell and seconded by Trustee Corbett to approve Resolution 26-2013, a Resolution authorizing a Professional Service agreement between the Village of Gilberts and current Technologies to provide IT services.** Roll call: Vote: 6-ayes: Trustees Mierisch, LeClercq, Zambetti, Farrell, Hacker, and Corbett. 0-nays, 0-abstained. Motion carried.

A Motion to approve Resolution 27-2013, a Resolution authorizing a SCADA Support Service Agreement between the Village of Gilberts and BWCSI

President Zirk asked if there were any questions on Resolution 27-2013. The Board Members had no comments. Administrator Keller thanked Assistant Administrator Beith for drafting the agreements.

A Motion was made by Trustee LeClercq and seconded by Trustee Farrell to approve Resolution 27-2013, a Resolution authorizing a SCADA Support Service Agreement between the Village of Gilberts and BWCSI. Roll call: Vote: 6-ayes: Trustees LeClercq, Zambetti, Farrell, Hacker, Corbett and Mierisch. 0-nays, 0-obstained. Motion carried.

A Motion to approve Resolution 28-2013, a Resolution authorizing an Intergovernmental Agreement between the Village of Gilberts and Northern Illinois University relating to professional services

Assistant Administrator Beith provided the Board Members a brief overview of the intergovernmental agreement. He reported NIU's agreement provides for an assessment process producing recommendations for a municipal broadband network that would support the Village's economic development goals and expand connectivity between the public safety, municipal and education agencies in the area. Trustee Mierisch inquired what role would the agreement play with the Fibercity project. Assistant Administrator Beith replied that the agreement would serve as a plan B if the Fibercity agreement did not move forward. Trustee Hacker noted that the agreement referenced incidental cost. He questioned what would be considered incidental cost. Administrator Keller reported that cost would be for items like making copies and miscellaneous supplies needed for the project.

There being no further discussion, **a Motion was made by Trustee Corbett and seconded by Trustee Zambetti to approve Resolution 28-2013, a Resolution authorizing an Intergovernmental Agreement between the Village of Gilberts and Northern Illinois University relating to professional services.** Roll call: Vote: 6-ayes: Trustees Zambetti, Farrell, Hacker, Corbett, Mierisch, and LeClercq. 0-nays, 0-abstained. Motion carried.

Items for Discussion

The Conservancy Development

Administrator Keller reported that staff has been working with Mr. Troy Mertz of Gilberts Development LLC ("GD"). Mr. Mertz has submitted a proposal to amend the fees associated with the Conservancy development, restructure the SSA 19 bond's and satisfy SSA 20's obligation of 1.2 million owed to the Village from SSA 20. Administrator Keller reported that staff is looking for direction with respect to the draft proposal.

Mr. Mertz discussed his proposed amendments to the existing Conservancy's impact and building fee schedule. Mr. Mertz reported in order to make the development competitive with the surrounding markets he needs impact and building fees reduced. Mr. Mertz is asking the Board to consider reducing the fees to mirror the impact fees associated with Gilberts Town Center.

Mr. Mertz noted that Gilberts Town Center's inventory is almost depleted. If he could produce a product at a marketable price point he anticipates generating sales of 50 units per year.

Administrator Keller discussed the table comparing the current Conservancy impact fees with Town Center impact fees. Administrator Keller noted that Town Center's park fee of \$6,374 was 100% covered by land dedication. The Conservancy's Pod 4 would offer 3.5 acres of park credit. Administrator Keller noted that Ryland's total building fee cost is \$1,200 per unit and the current fees for the Conservancy is \$1,800 per unit.

Mr. Mertz commented on the Cascairo property commonly referred to as the horse farm. He reported that Neumann Homes had acquired the property and included the sale into a 75 million dollar mortgage. Mr. Mertz expressed the desire to acquire the property similar to the way they acquired the Nepperman property through a tax sale auction.

Trustee Mierisch referenced Attorney Tappendorf's September memo regarding park donations and wetland mitigation. Attorney Tappendorf stated at the time the memo was drafted they were reviewing the development globally.

However, if Mr. Mertz was only developing Pod 4 he would still have to comply with wetland mitigation regulations.

There was a discussion with respect to the school impact fees. President Zirk thought the proposed fee structure equally benefited District 158.

Administrator Keller discussed the cost associated with the water improvements. Administrator Keller reported that Baxter & Woodman has concluded that there is sufficient capacity in the Village's current potable water system to support Pod 4 lots without any immediate improvements. However, B&W anticipates the IEPA will require the Village to initiate a system expansion before allowing additional connections. B&W engineers proposed redesigning the required water system improvements at an estimated cost of \$155,000 as they anticipate that current technologies and efficiencies can reduce the total construction cost of the system improvements to approximately \$5 million.

Administrator Keller reported that staff recommends instituting a \$5,000 per unit capital water connection fee, payable at the sale of the lots to the builder. With this fee, the Village secures a "fair share" commitment to the eventual water system improvements without requiring immediate construction or further security from GD or subsequent builders.

A lengthy discussion ensued with respect to who should be responsible for funding the water improvements.

There was some discussion with respect to Mr. Mertz's proposal to rebound SSA 19. GD proposes to refund the existing original SSA 19 bond of \$15.0 million with a new \$9.5 million bond issue. The current bondholders (including GD, who holds one-third of the bonds) would take a reduced amount from the new bond issue: no new money or debt would be generated by the new bond issue. The new bond issue would be paid off with the sale of each lot.

In addition, GD proposes to reimburse the Village for \$1.2 million in costs secured by SSA 20 tax liens against the property now owned by GD and the Cascairo property. Though \$115,559 of the SSA 20 tax liens on the two Nepperman/Neumann properties were extinguished by the tax auction this year, GD agrees to honor the full obligation. The Village's interest would be secured through a refunding agreement in connection with the SSA needed to support the new SSA 19 bond. In exchange, the Village would help GD secure Kane County's forgiveness of back taxes, interest and penalties on the SSA taxes that have gone unpaid.

Attorney Tappendorf reported if the Village Board was in favor of moving forward with the proposed refunding of SSA 19 she recommends hiring bond counsel. She has provided the Board Members with a proposal and scope of engagement from the firm Foley & Lardner LLP. Attorney Tappendorf suggested the Board Members consider retaining Foley & Lardner at the December 3rd Board meeting.

Staff Reports

Administrator Keller reported that he and President Zirk had met with Andy Schcolnik and Attorney Bazos to discuss their PUD application to Kane County for their Mason Road soccer facility. Together they discussed the Village's objections to expanding the allowable uses. Administrator Keller reported that Mr. Schcolnik was receptive to the Village's concerns. Mr. Schcolnik is focus on the County granting the facility a liquor license so they could serve alcohol and have a restaurant. Trustee Mierisch asked staff if Mr. Schcolnik or the Village notified the neighbors in close proximity to the facility of the petition. The Board acknowledged that Mr. Schcolnik has been a responsible business owner and the Police Department has only received one call this year. Administrator Keller reported that he will be attending the Kane County Zoning Board hearing in which the matter will be considered.

Village Clerk Meadows reminded the Board Members that the Northern Kane County Chambers' Citizens of the Year Award is scheduled for Wednesday, November 20th at 5:00 p.m.

Trustee Reports

Trustee Corbett commented on the process to have Kane County forgiveness with the SSA 20's back taxes, interest and penalties.

President's Report

President Zirk discussed Prairie Business Park's aggressive construction schedule. He questions what effect would the early completion have on the repayment on the TIF funds. Administrator Keller will research this matter and report back.

President Zirk reported that Interstate Partners is asking if the Village would consider eliminating on street parking in the Prairie Business Park. The Board expressed no concerns prohibiting on street parking in the industrial park.

President Zirk reported that during the last heavy rain event he did not notice any standing water. In his opinion the recent drainage improvements have been very successful. Trustee Hacker agreed. He noted that in Indian Trails the water table level have changed and decreased.

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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 9:00 p.m.** Roll call: Vote: 6-ayes by unanimous voice vote. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows

