

Village of Gilberts

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

VILLAGE BOARD MEETING AGENDA

Tuesday, September 1, 2020 - 7:00 p.m. - Village Hall Board Room

In accordance with recent amendments to the Open Meetings Act that authorize remote meeting attendance during the COVID-19 pandemic, the Village President has determined that it is not prudent or practical to conduct an in-person meeting for all members of the Board and the public due to the pandemic. Therefore, some of the Village Board members may attend this meeting by electronic means, in compliance with the amended OMA.

In order to comply with the Governor's executive orders regarding limitations on gatherings and to ensure social distancing, members of the public are encouraged to attend the meeting remotely via video or audio as follows:

Zoom (video and/or audio): https://zoom.us/j/99937743985
Meeting ID: 999 3774 3985
Dial-In (audio): (312) 626-6799

Members of the public can also submit written comments via email at info@villageofgilberts.com. Any comments received by 5 pm on September 1, 2020 will be submitted into the record of the meeting.

ORDER OF BUSINESS

- 1. CALL TO ORDER / PLEDGE OF ALLIEGENCE
- 2. ROLL CALL / ESTABLISH QUORUM
- 3. PUBLIC COMMENT*
- 4. CONSENT AGENDA
 - A. A Motion to approve Minutes from the August 18, 2020 Village Board Meeting
 - B. A Motion to approve Bills & Payroll dated September 1, 2020
 - C. A Motion to Approve a Request by Pub 72 to Allow Live Entertainment as part of its Outdoor Dining use at 38 E. Higgins Road on Multiple Dates in September, October, November and December 2020
 - D. A Motion to Approve a Request by Cruisin to Allow Live Entertainment as part of its Outdoor Dining use at 11 Galligan Road on September 5, 2020

5. ITEMS FOR APPROVAL

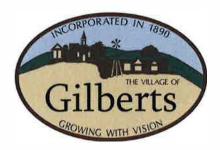
- A. A Motion to Approve Resolution 23-2020, a Resolution Authorizing and Approving the Release of a Limited Number of Building Permits in the Conservancy Development
- 6. ITEMS FOR DISCUSSION
- 7. STAFF REPORTS
- 8. TRUSTEES' REPORTS
- 9. PRESIDENTS' REPORT
- 10. EXECUTIVE SESSION*
- 11. ADJOURNMENT

*Executive Session Information

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 120/2 (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.

*Public Comment Policy

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). 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.



MINUTES FOR VILLAGE OF GILBERTS BOARD OF TRUSTEES MEETING

Village Hall: 87 Galligan Road, Gilberts, IL 60136 Meeting Minutes Tuesday, August 18, 2020

1. 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.

2. ROLL CALL / ESTABLISH QUORUM

Deputy Village Clerk Phillip Versten called the roll. Members present: Trustees Corbett, Allen, Zambetti, Farrell, Hacker, and President Zirk. Staff present: Village Administrator Brian Bourdeau, Public Works Director Aaron Grosskopf, Deputy Village Clerk Phillip Versten, Intern Riley Lynch. On telephone: Village Engineer Al Stefan and Village Attorney Julie Tappendorf. Others present: Troy Mertz of Gilberts Development, LLC; and Jeremy Lin of LinTech Engineering. Public present: Daniel Pace.

3. PUBLIC COMMENT

None.

4. APPOINTMENTS

Village President Zirk noted that he received and accepted the resignation of Trustee Elissa Kojzarek from the Board of Trustees and nominated Kurt Kojzarek to fill the vacancy and finish out her term as Trustee.

A Motion was made by Trustee Hacker and seconded by Trustee Corbett to approve the appointment of Kurt Kojzarek to fill the term of resigning Trustee Elyssa Hacker through the expiration of her term. Roll call vote: Trustees Corbett, Allen, Zambetti, Farrell, and Hacker voted Aye, 0-nay, 0 abstained. Motion carried. Kurt Kojzarek was then sworn in as Village Trustee by Deputy Village Clerk Phillip Versten.

5. CONSENT AGENDA

- A. A Motion to approve Minutes from the August 4, 2020 Village Board Meeting
- B. A Motion to approve Minutes from the August 11, 2020 Village Board Meeting
- C. A Motion to approve Bills & Payroll dated August 18, 2020
- D. A Motion to Approve the July 2020 Treasurer's Report

President Zirk asked if any of the board members wished to remove any consent agenda items for separate consideration. After hearing none, he asked for a motion to approve.

A Motion was made by Trustee Allen and seconded by Trustee Corbett to Approve Consent Agenda Items 5A-D as presented. Roll call vote: Trustees Hacker, Kojzarek, Corbett, Allen, Zambetti, and Farrell voted Aye. 0-nays, 0-abstained. Motion carried.

6. ITEMS FOR APPROVAL

A. A Motion to Approve Ordinance 09-2020, an Ordinance Amending Ordinance 07-2020 Approving a Temporary Policy Authorizing and Regulating Outdoor Dining.

A motion was made by Trustee Zambetti and seconded by Trustee Allen to approve Ordinance 09-2020, an Ordinance Amending Ordinance 07-2020 Approving a Temporary Policy Authorizing and Regulating Outdoor Dining. Administrator Bourdeau noted that the ordinance extends the previous outdoor dining date for the season from September 7th to December 7th. Roll call vote: Trustees Corbett, Allen, Zambetti, Farrell, Hacker, and Kojzarek voted Aye. 0-nays, 0-abstained. Motion carried.

B. A Motion to Approve Resolution 24-2020, a Resolution Authorizing Approval of an Agreement with Dahm Enterprises for Sludge Hauling in an Amount-not-to-Exceed \$40,000 - Village Administrator Bourdeau noted that this vendor provided the low bid and will honor it for the next three years, not to exceed \$40,000.

A motion was made by Trustee Zambetti and seconded by Trustee Kojzarek to approve Resolution 24-2020, a Resolution Authorizing Approval of an Agreement with Dahm Enterprises for Sludge Hauling in an Amount-not-to-Exceed \$40,000. Trustee Allen asked for an assurance that the wording of the agreement not be construed to indicate the expense can exceed \$40,000. Mr. Grosskompf indicated it would not. Roll call vote: Trustees Corbett, Allen, Zambetti, Farrell, Hacker and Kojzarek voted Aye. 0-nays, 0-abstained. Motion carried.

C. A Motion to Approve Resolution 25-2020, a Resolution Authorizing Approval of an Agreement with Current Technologies for a Computer Server Software Upgrade in an Amount-not-to-Exceed \$10,000 - Village Administrator Bourdeau noted that this resolution concerns one of the topics discussed during the capital project wherein we agreed we would continue with it in the current fiscal year in light of COVID. He indicated it will upgrade operating systems on our servers to the current versions and will ensure they will continue to be supported with security updates.

A motion was made by Trustee Zambetti and seconded by Trustee Allen to approve Resolution 25-2020, a Resolution Authorizing Approval of an Agreement with Current Technologies for a Computer Server Software Upgrade in an Amount-not-to-Exceed \$10,000. Roll call vote: Trustees Corbett, Allen, Zambetti, Farrell, Hacker and Kojzarek voted Aye. 0-nays, 0-abstained. Motion carried.

D. A Motion to Approve Ordinance 10-2020, an Ordinance Amending Chapter 2 of Title 3 of the Village Code Regarding Video Gaming Terminals -

A motion was made by Trustee Allen and seconded by Trustee Corbett to approve Ordinance 10-2020, an Ordinance Amending Chapter 2 of Title 3 of the Village Code Regarding Video Gaming

Terminals. Roll call vote: Trustees Allen, Zambetti, Farrell, Hacker, Kojzarek and Corbett voted Aye. 0-nays, 0-abstained. Motion carried.

7. ITEMS FOR DISCUSSION

A. Presentation and Discussion of Various Options Concerning Waitcus Park Improvements – Trustee Farrell recapped the discussion history of this topic. Trustee Zambetti suggested, seeing the other items on the agenda this evening and the potential length of those discussions, we table discussion of this item to a future meeting. President Zirk suggested we target the September COW meeting to discuss as a workshop.

B. Discussion Concerning the Release of a Limited Number of Building Permits in the Conservancy – Administrator Bourdeau summarized the topic as the result of discussions between the Village and Troy Mertz of Gilberts Development, LLC to be discussed here this evening in the interest of arriving at an updated proposal timeline for inclusion in a possible resolution.

Scenarios were contemplated in which additional water system volume could be generated with adjustments to rate, including opening the valve a bit more, and others. President Zirk suggested that Jeremy Lin meet with Village Engineer Al Stefan and members of staff next week on site at the water treatment plant to determine what the actual current rate is and how it could be optimized. President Zirk suggested that we may also want to look at how we can create efficiencies in regard to backwash as an additional way to reduce loss. Jeremy Lin confirmed that such would increase volume in addition to some other measures they can take.

President Zirk suggested to Mr. Mertz that waiting to get these volume numbers for placing into a resolution could put him in a better place going forward. Mr. Mertz summarized some of the work that is continuing in the background as this research is being done. Trustee Hacker asked Mr. Mertz about the expiration of the permit that enables us to drill under the tollway, and what the lag time was on getting equipment. It was noted that Manhard Engineering is in the process of requesting an extension to that expiration date. Jeremy Lin answered the question about lag time on equipment by indicating it could take 6 to 9 months, including the approval of drawings.

Trustee Zirk summed up by suggesting that the engineers and staff meet on site, get updated numbers and have Trustee Corbett and Trustee Hacker run those numbers through their formulas to come back to the Board with an adjusted model that the Board could review at their September 1st meeting.

8. STAFF REPORTS

Village Administrator Bourdeau

- The Village was awarded up to \$425,322 in Cares Act funding and we will need to file the application and support documentation for our funding requests by September 4th and that the County would come back to us with an intergovernmental agreement for approval at some point likely in September. Part of the clarification we will seek will be in regard to what portion or aspects of police salaries can be classified as being a COVID-19 expense.
- We anticipate that the Movie-in-the-Park will take the form of a one-time drive-in event at Town Center Park some time in mid to late September. More info to come.

- Verizon will take back to their team some items in a proposal to a lease renewal, which expires in October of next year, for their antenna on the Indian Trails water tower.
- The government affairs manager at WoWay provided us with some broadband coverage maps.

Trustee Hacker asked whether, pursuant to discussion about the Shell station's future plans from the last Board meeting, we would have the water capacity to enable the owner of that business to pursue his stated future plans for eventually adding a car wash. He indicated we should have a call with him to make sure he understands we are currently working through water capacity issues. Administrator Bourdeau indicated he had a conversation with the Shell owner and communicated to him that if he is planning a carwash, he would have to come to go through the Village's standard plan review process.

Trustee Allen suggested that salaries and job descriptions be provided the Board for discussion at the September Committee of the Whole meeting. She asked what the process was for posting the Community Events Manager job. Administrator Bourdeau explained our standard job posting processes for various jobs and indicated that for this job we would use our web site, Facebook and ILCMA. Trustee Allen asked whether the job description has changed since it was budgeted and President Zirk and Administrator Bourdeau indicated it has not.

Village Attorney Julie Tappendorf

• No report at this time.

Public Works Director Aaron Grosskompf

• No report at this time.

Deputy Clerk Phillip Versten

• Deputy Village Clerk Versten had no report at this time.

9. TRUSTEE REPORTS

Trustee Kojzarek

• Trustee Kojzarek said he felt honored to be appointed to finish out the length of this term and thanked the Board for their support.

10. PRESIDENT'S REPORT

No report at this time.

11. EXECUTIVE SESSION*

An executive session did not take place.

11. ADJOURNMENT

There being no further public business to discuss, a Motion was made by Trustee Farrell and seconded by Trustee Kojzarek to adjourn from the public meeting at 8:13 p.m. Voice vote carried unanimously.

Respectfully submitted,

Phillips Versten

Phillip Versten

Deputy Village Clerk

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Department: 10 WATER SYSTEMS

Department: 00 GENERAL FUND			
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ALEXANDER CHEMICAL CORPORATION FERGUSON WATERWORKS MACCARB, INC. MENARDS - CARPENTERSVILLE PDC LABORATORIES, INC THIRD MILLENNIUM ASSOCIATES U.S. SILICA COMPANY USA BLUEBOOK USA BLUEBOOK VIKING CHEMICAL CO Total: 10 WATER SYSTEMS	WATER METERS REPAIRS-WATER DISTRIBUTION SYS MAINTENANCE PARTS & MATERIALS LABORATORY TESTING CONTRACTUAL SERVICES CHEMICALS	836.00 46.58 5,158.20 403.90 329.42	WATER METERS REPAIRS-WATER DISTRI MAINTENANCE PARTS & LABORATORY TESTING CONTRACTUAL SERVICES CHEMICALS LAB SUPPLIES & EQUIP
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Department: 90 GENERAL P/W PROJ	ECTS EXPENSES		
MEYER SIGNS, INC	SIGNS EXPENSE	450.00	SIGNS EXPENSE
Total: 90 GENERAL P/W PROJECTS	EXPENSES	450.00	

*** GRAND TOTAL ***

116,230.78



Village of Gilberts

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

To: President Zirk and the Board of TrusteesFrom: Brian Bourdeau, Village AdministratorDate: September 1, 2020 Village Board Meeting

Re: Item 4.C: A Motion to approve a request by Pub 72 to Allow Live Entertainment as part of its

Outdoor Dining use at 38 E. Higgins Road on Multiple Dates in September, October, November

and December 2020

On August 27, 2020, Pub 72 submitted an application for live music as part of their temporary outdoor dining use as allowed under the Governor's Executive Orders and Phase 4 guidance.

Pub 72 is requesting live music on the following dates:

- Friday, September 4, 2020, 7:00 10:00 p.m.
- Saturday, September 5, 2020, 7:00 10:00 p.m.
- Saturday, September 12, 2020, 7:00 10:00 p.m.
- Saturday, September 19, 2020, 7:00 10:00 p.m.
- Saturday, September 26, 2020, 7:00 10:00 p.m.
- Saturday, October 3, 2020, 7:00 10:00 p.m.
- Saturday, October 10, 2020, 7:00 10:00 p.m.
- Friday, October 16, 2020, 7:00 10:00 p.m.
- Saturday, October 17, 2020, 7:00 10:00 p.m.
- Saturday, November 7, 2020, 7:00 10:00 p.m.
- Saturday, November 14, 2020, 7:00 10:00 p.m.
- Saturday, November 21, 2020, 7:00 10:00 p.m.
- Saturday, November 28, 2020, 7:00 10:00 p.m.
- Saturday, December 5, 2020, 7:00 10:00 p.m.

Review Comments

- As submitted, the requested times comply with the Village's sound regulations. Compliance with the Village's sound regulations is required by Ordinance 09-2020.
- Alcohol will be served. In this instance a Class C license is not required. Alcohol service is provided through the Governor's Executive Orders and Phase 4 guidance related to temporary outdoor dining, and Ordinance 09-2020.
- Limitations on the performance and attendees are provided by the State's Phase 4 guidance. It is a requirement of Ordinance 09-2020, that the applicant follow those guidelines.
- No use of Village right of ways or streets is requested.

The special event permit is covered by conditions imposed by Ordinance 09-2020. No additional conditions are recommended at this time.

FOR OFFIC	CE USE ONLY
Date:	
Reviewed by	•
Approval:	
License #:	



VILLAGE OF GILBERTS Courtney Baker, Village Clerk 87 Galligan Road Gilberts, Illinois 60136 (847) 428-2861 Fax (847) 428-2955 cbaker@villageofgilberts.com

APPLICATION FOR SPECIAL EVENT LICENSE

Please submit the completed application no less than 30 days prior to the date of the event. If the event changes due to an unforeseen circumstance, please advise Village Hall at least 48 hours prior to the rescheduled date.

Applicant Name: W 12.	Phone: 224	465	3753
	EVENT DETAILS		
Date(s): 8 27 2020	Time Begin: 📈		Time End:
Name of Event: Live Entertainmen	rt .		,
Organizer of Event: Michael Triev	8)		
Phone Number of Organizer: 124 41	05 3753		
Event Name/Description:	15155		
Live Entertainment			
Estimate Number of Attendees: 50			
Will Alcohol be Served? Yes* *If yes, complete page 3 of application		re	8
Are you requesting use of Village right *If yes, which street(s)?		Yes	* No
ADDI	ITIONAL EVENT DETA	AILS	LINE TO A SECTION
5ep 4th 2-10 pm - Live Ent., Se ep 26th 7-10 pm, Oct. 3th 7-10	ep. 5th 12-10pm) Se	p. 12	7-10pm, Sep 19 7-10pm.
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Entertainment A The			T said



ASSUMPTION OF LIABILITY AND INDEMNIFICATION

I have read and understand the rules and regulations listed in this document and I agree to abide by them. I understand that the violation of any rule or regulation by me or by any member in my party may subject the violator to fines as provided by the Village Code.

I do hereby agree to defend, indemnify, and hold harmless the Village of Gilberts, its officers, employees, agents, and volunteers from any loss, damage, expense, claim, and cost of every nature and kind whatsoever, including attorneys' fees, arising out of or in connection with applicant's and its invitees' use of the Village property at, during, or in conjunction with the activity or event described in this application.



Village of Gilberts

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

To: President Zirk and the Board of Trustees
From: Brian Bourdeau, Village Administrator
Date: September 1, 2020 Village Board Meeting

Re: Item 4.D: A Motion to approve a request by Cruisin to Allow Live Entertainment as part of its

Outdoor Dining use at 11 Galligan Road on September 5, 2020

On August 20, 2020, Cruisin/Rob Lange submitted an application for live music as part of their temporary outdoor dining use as allowed under the Governor's Executive Orders and Phase 4 guidance.

Cruisin is requesting live music on the following date:

• Saturday, September 5, 2020, 7:00 – 10:00 p.m.

Review Comments

- As submitted, the requested times comply with the Village's sound regulations. Compliance with the Village's sound regulations is required by Ordinance 09-2020.
- Alcohol will be served. In this instance a Class C license is not required. Alcohol service is provided through the Governor's Executive Orders and Phase 4 guidance related to temporary outdoor dining, and Ordinance 09-2020.
- Limitations on the performance and attendees are provided by the State's Phase 4 guidance. It is a requirement of Ordinance 09-2020, that the applicant follow those guidelines.
- No use of Village right of ways or streets are requested.

The special event permit is covered by conditions imposed by Ordinance 09-2020. No additional conditions are recommended at this time.

A copy of the special event license application is attached.

FOR OFF	ICE USE ONLY
Date:	
Reviewed	by:
Approval:	
License #:	



VILLAGE OF GILBERTS Courtney Baker, Village Clerk 87 Galligan Road Gilberts, Illinois 60136 (847) 428-2861 Fax (847) 428-2955 cbaker@villageofgilberts.com

APPLICATION FOR SPECIAL EVENT LICENSE

Please submit the completed application no less than 30 days prior to the date of the event. If the event changes due to an unforeseen circumstance, please advise Village Hall at least 48 hours prior to the rescheduled date.

Applicant Name: (Cruisin Phone: 847 - 836-7272
EVENT DETAILS
Date(s): Saturday Sept. 5, 2020 Time Begin: 7:00 pm Time End: 10:00 pm
Name of Event: Rick Lindy + the Wild Ones (band)
Organizer of Event: Robert Lange
Phone Number of Organizer: 447-650-2832
Event Name/Description: Rick Lindy & the Wild Ones - live music
Estimate Number of Attendees: 50
Will Alcohol be Served? Yes* No *If yes, complete page 3 of application for Class C Liquor License
Are you requesting use of Village right-of-ways or streets? *If yes, which street(s)? No
ADDITIONAL EVENT DETAILS

ASSUMPTION OF LIABILITY AND INDEMNIFICATION

I have read and understand the rules and regulations listed in this document and I agree to abide by them. I understand that the violation of any rule or regulation by me or by any member in my party may subject the violator to fines as provided by the Village Code.

I do hereby agree to defend, indemnify, and hold harmless the Village of Gilberts, its officers, employees, agents, and volunteers from any loss, damage, expense, claim, and cost of every nature and kind whatsoever, including attorneys' fees, arising out of or in connection with applicant's and its invitees' use of the Village property at, during, or in conjunction with the activity or event described in this application.

Applicant Signature

Date



Village of Gilberts

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

To: Village President and Board of Trustees

From: Brian Bourdeau, Village Administrator

Date: September 1, 2020 Village Board Meeting

Re: Item 5.A: Approval of a Resolution Concerning the Release of a Limited Number of

Building Permits in the Conservancy

Pursuant to the discussion at the August 18, 2020 Village Board Meeting, Village staff and the Village engineer worked with Jeremy Lin to follow up on questions raised about Well 3 and the Water Treatment Plant. A summary of those findings is included with this staff report.

Additionally, included for Board consideration is a draft Resolution prepared in coordination with Trustees Corbett and Hacker concerning the release of a limited number of building permits in the Conservancy. Highlighed below are those sections of the Resolution that are most relevant. Section 2 concerns the release of permits and several milestones, which if not met would rescind and return to the Village any permits not yet issued at that point in time. Additionally, included in Section 3 is a condition that Gilberts Development LLC provide monthly updates to the Village regarding the progress made during the preceding month with respect to completion of the required water system improvements.

<u>Release of a Limited Number of Building Permits for the Conservancy</u>. In accordance with the authority granted by the Amended Annexation Agreement, the Village Board of Trustees hereby authorizes and approves the release of additional building permits for the Conservancy Development (beyond the 123 permits authorized by the Amended Annexation Agreement and the 51 permits authorized for Phase 2A-1 that were released previously), when the following milestones are achieved, subject to compliance with the conditions set forth in Section 3, including without limitation, approval and recordation of plats of subdivision for any phase of the Conservancy Development for which building permits are proposed to be released:

- A. Upon approval of this Resolution, the Village will release 60 building permits for lots within the Conservancy Development subject to the conditions set forth in subsections C, D, E and F below.
- B. When Well No. 6 is operational and producing its rated design capacity or 1.4 MGD, whichever is greater, the Village will release 35 building permits, subject to the conditions set forth in subsections C, D, E and F below.
- C. If work on the physical construction of the Water Treatment Plant building expansion has not commenced by September 30, 2020, then any and all permits approved for release under Section 2.A and 2.B that have not yet been issued shall be immediately rescinded and returned to the Village.

- D. If work has not commenced by November 1, 2020 on the physical installation of the Well 5 raw water main then any and all permits approved for release under Section 2.A and 2.B that have not yet been issued shall be immediately rescinded and returned to the Village.
- E. If Well 5, including the Well 5 raw water main, are not operational and Well 5 producing its rated design capacity by April 30, 2021, then any and all building permits approved for release under Sections 2.A and 2.B that have not been issued will be rescinded and returned to the Village.
- F. If construction of the physical plant expansion building and delivery of equipment, not limited to but including the ion exchange, radium removal, high service pumps, motors and variable frequency drives, aerator, SCADA and electrical controls, and generators is not completed by May 31, 2021, then any and all permits approved for release under Section 2.A and 2.B that have not been issued will be rescinded and returned to the Village.
- G. The remaining building permits for lots within the Conservancy Development will be released only after all of the water service improvements required by the Amended Annexation Agreement are completed, accepted by the Village, and fully operational in accordance with the Amended Annexation Agreement.
- **Section 3. Conditions.** The approvals granted in Section 2 of this Resolution are conditioned upon and limited by the following requirements, conditions, and restrictions, the violation of any of which shall, in the sole discretion of the President and Board of Trustees, invalidate the approvals:
- D. <u>Progress Updates</u>. Gilberts Development LLC shall submit a monthly report no later than the 30th of each month to the Village Administrator providing an update on progress made during the preceding month with respect to completion of the required water system improvements.

The Village Attorney has reviewed the attached Resolution and Village staff as well as the Village Engineer will be available Tuesday for any questions or concerns

From: Albert K. Stefan

O: Brian Bourdeau; Rick Zirk

Cc: Jilin@lintechengineering.com

Subject: Gilberts - Water Plant capacity analysis

Date: Friday, August 28, 2020 11:04:00 AM

Image@02.png

Brian.

As a follow-up to our conversation, I would like to highlight several of the key points of understanding and the subsequently revised calculations:

Key points of understanding

- Water was being drawn solely from Well #3 at the time of our site visit with Jeremy Lin (August 26, 2020)
 - The plant was operating at approximate 1,132 GPM
 - Upon review of the Plant records, it was observed that the plant is and consistently runs at 1,100 GPM
- Gilberts Water Treatment Plant is currently rated with IEPA at 1.44 MGD
- Based on the Lintech calculations (provided by Jeremy), it was agreed that the plant most likely can operate at a greater capacity than what it is rated.
- . John Castillo advised us that upon his review of the Historical pump data, it appears there has been no notable drop in the pump(s) capacity for either well.

Updated calculations:

Based on this meeting as well as follow discussions we offer the following revised and updated potential capacity calculations (using 1,000 GPM and 1,100 GPM)

Date	8/28/2020											
Ву	AKS											
Basis		Max flow / population	Limiting Capacity	System Loss (11.8%)	Capacity - system loss	Critical review (@ 80%)		Max demand Day- 3 year avg.	Available water (Critical Review - max demand)	Available PE (Available water divide by 137.43 gal per person per day]	PE per unit	No of Units
	People	Gallons per person per day	MGD		MGD		MGD	MGD	MGD	Gallon		Housing uni
	В	c	D	E	F	G	Н	1	J	К	L	М
		I/B			F = D X E		H= F X G		J = I-H	K= J/C X 1,000,000		M=K/L
Max Demand (using 3 year average) and pump capacity at 1,000 gpm (1.44 MGD)	7800	116	1.44	0.882	1.27008	80.00%	1.016064	0.9048	0.111264	959.17	3.50	27
Max Demand (using 3 year average) and pump capacity at 1,100 gpm (1.584 MGD)	7800	116	1.584	0.882	1.397088	80.00%	1,11767	0.9048	0.2128704	1835.09	3.50	524

Please call me If you have any questions.

Albert Stefan, PE
Associate / Senior Project Manager

ROBINSON

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Itasca, IL 60143
Direct (815) 412-2706
Cell (630) 219-9540

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VILLAGE OF GILBERTS

RESOLUTION 23-2020

A RESOLUTION AUTHORIZING AND APPROVING THE RELEASE OF A LIMITED NUMBER OF BUILDING PERMITS OF THE CONSERVANCY DEVELOPMENT

WHEREAS, on January 31, 2017, the Village of Gilberts Board of Trustees approved the First Amendment to an Annexation and Development Agreement between the Village of Gilberts and Gilberts Development LLC for 914.02 acres of the Conservancy Development, legally described on Exhibit A ("Gilberts Development Parcel"), which Agreement was recorded on February 3, 2017, with the Kane County Recorder's Office, as Document No. 2017K006674, and which Agreement was further amended by the Second Amendment and the Third Amendment (collectively, "Amended Annexation Agreement"); and

WHEREAS, on January 31, 2017, the Village of Gilberts Board of Trustees also approved Ordinance No. 05-2017, an Ordinance Approving a First Amendment to an Existing Planned Unit Development and the Preliminary PUD Plan for the Conservancy Development, which Ordinance was recorded on February 3, 2017, with the Kane County Recorder's Office, as Document No. 2017K006675, which Ordinance was further amended by the Second Amendment to the PUD Ordinance (collectively, "Amended PUD Ordinance"); and

WHEREAS, the Amended Annexation Agreement restricts the number of building permits that can be issued for lots in the Conservancy Development to 123 permits until the water service improvements required by the Amended Annexation Agreement are completed and operational, unless expressly approved otherwise by a majority vote of the Village Board; and

WHEREAS, Gilberts Development LLC previously requested that the Village Board authorize and approve the release of 51 additional building permits (beyond the 123 permits authorized by the Amended Annexation Agreement) in advance of the water service improvements being completed and operational; and

WHEREAS, the Village Board previously approved Resolution No. 01-2018 approving the release of 51 additional building permits for Phase 2A-1, which Resolution was subsequently amended by Resolution 07-2018; and

WHEREAS, Gilberts Development LLC is now requesting that an additional number of building permits be released, in accordance with the terms and conditions of this Resolution.

THEREFORE, BE IT RESOLVED 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 Resolution as though set forth in this Section 1.

- <u>Release of a Limited Number of Building Permits for the Conservancy</u>. In accordance with the authority granted by the Amended Annexation Agreement, the Village Board of Trustees hereby authorizes and approves the release of additional building permits for the Conservancy Development (beyond the 123 permits authorized by the Amended Annexation Agreement and the 51 permits authorized for Phase 2A-1 that were released previously), when the following milestones are achieved, subject to compliance with the conditions set forth in Section 3, including without limitation, approval and recordation of plats of subdivision for any phase of the Conservancy Development for which building permits are proposed to be released:
- A. Upon approval of this Resolution, the Village will release 60 building permits for lots within the Conservancy Development subject to the conditions set forth in subsections C, D, E and F below.
- B. When Well No. 6 is operational and producing its rated design capacity or 1.4 MGD, whichever is greater, the Village will release 35 building permits, subject to the conditions set forth in subsections C, D, E and F below.
- C. If work on the physical construction of the Water Treatment Plant building expansion has not commenced by September 30, 2020, then any and all permits approved for release under Section 2.A and 2.B that have not yet been issued shall be immediately rescinded and returned to the Village.
- D. If work has not commenced by November 1, 2020 on the physical installation of the Well 5 raw water main then any and all permits approved for release under Section 2.A and 2.B that have not yet been issued shall be immediately rescinded and returned to the Village.
- E. If Well 5, including the Well 5 raw water main, are not operational and Well 5 producing its rated design capacity by April 30, 2021, then any and all building permits approved for release under Sections 2.A and 2.B that have not been issued will be rescinded and returned to the Village.
- F. If construction of the physical plant expansion building and delivery of equipment, not limited to but including the ion exchange, radium removal, high service pumps, motors and variable frequency drives, aerator, SCADA and electrical controls, and generators is not completed by May 31, 2021, then any and all permits approved for release under Section 2.A and 2.B that have not been issued will be rescinded and returned to the Village.
- G. The remaining building permits for lots within the Conservancy Development will be released only after all of the water service improvements required by the Amended Annexation Agreement are completed, accepted by the Village, and fully operational in accordance with the Amended Annexation Agreement.
- <u>Section 3.</u> <u>Conditions.</u> The approvals granted in Section 2 of this Resolution are conditioned upon and limited by the following requirements, conditions, and restrictions, the violation of any of which shall, in the sole discretion of the President and Board of Trustees, invalidate the approvals:

- A. <u>No Authorization of Work</u>. This Resolution does not authorize commencement of any work on the Property. Except as otherwise specifically provided in writing in advance by the Village, no work of any kind shall be commenced on the Gilberts Development Parcel pursuant to the approvals granted in this Resolution unless and until all conditions of this Resolution have been fulfilled and after all permits, approvals, and other authorizations for such work have been properly applied for, paid for, and granted in accordance with applicable law, including but not limited to the approval and recordation of final plats of subdivision for any phase of development that has not yet been platted.
- B. <u>Compliance with Laws</u>. The Village's zoning, subdivision, and building regulations, and all other applicable Village ordinances and regulations shall continue to apply to the Gilberts Development Parcel, and the development and use of the Gilberts Development Property shall comply with all laws and regulations of all other federal, state, and local governments and agencies having jurisdiction.
- C. <u>Continued Effect of the Approvals</u>. The Amended PUD Ordinance, the Amended Annexation Agreement, and all final plats of subdivision approvals shall remain in full force and effect, and the Owner shall comply with all requirements, conditions, and restrictions therein.
- D. <u>Progress Updates</u>. Gilberts Development LLC shall submit a monthly report no later than the 30th of each month to the Village Administrator providing an update on progress made during the preceding month with respect to completion of the required water system improvements.

In addition, any violation of this Resolution shall be deemed a violation of the Village of Gilberts Zoning Code and shall subject the Owner to enforcement proceedings accordingly.

<u>Section 4.</u> <u>Severability.</u> In the event a court of competent jurisdiction finds this Resolution or any provision hereof to be invalid or unenforceable as applied, such finding shall not affect the validity of the remaining provisions of this Resolution and the application thereof to the greatest extent permitted by law.

<u>Section 5.</u> <u>Repeal and Saving Clause.</u> All ordinances or parts of ordinances in conflict herewith are hereby repealed; provided, however, that nothing herein contained shall affect any rights, actions, or cause of action which shall have accrued to the Village of Gilberts prior to the effective date of this Resolution.

Section 6. Effective Date. Upon its passage and approval according to law, this Resolution shall, by authority of the Board of Trustees, be published in pamphlet form.

PASSED BY THE BOA	ARD OF TRUS	STEES of the '	Village of Gilbe	rts, Kane County	, Illinois
this day of	, 2020.				
	<u>Ayes</u>	<u>Nays</u>	Absent	<u>Abstain</u>	
Trustee Dan Corbett					

FOR VILLAGE BOARD CONSIDERATION – September 1, 2020

Trustee Kurt Kojzarek			
Trustee Nancy Farrell			
Trustee Jeanne Allen Trustee Lou Hacker			
Trustee Guy Zambetti			
President Rick Zirk			
	APPROVED THIS	DAY OF	, 2020
	Village Preside	nt. Rick Zirk	
(SEAL)		,	
ATTEST: Deputy Vi	llage Clerk, Phillip Versten		
Published:			

EXHIBIT A

Legal Description of the Gilberts Development Parcel

PARCEL 1:

THE WEST 87 LINKS OF GOVERNMENT LOT 1 OF THE NORTHWEST FRACTIONAL QUARTER OF SECTION 2, TOWNSHIP 42 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF RUTLAND, KANE COUNTY, ILLINOIS.

PARCEL 2:

THE NORTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 42 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF RUTLAND, KANE COUNTY, ILLINOIS.

PARCEL 3:

THE SOUTH 4 RODS OF THE EAST 3 RODS OF THE NORTH HALF OF THE NORTHEAST QUARTER OF SECTION 11 TOWNSHIP 42 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN KANE COUNTY, ILLINOIS.

PARCEL 4:

THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THAT PART OF THE SOUTHWEST QUARTER OF SECTION 11, TOWNSHIP 42 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN LYING EASTERLY OF THE RIGHT OF WAY LINE OF THE CHICAGO AND NORTHWESTERN RAILWAY COMPANY, SAID PARALLEL LINE BEING ALSO THE WESTERLY RIGHT OF WAY LINE OF THE ELGIN AND BELVIDERE ELECTRIC COMPANY IN RUTLAND TOWNSHIP, KANE COUNTY, ILLINOIS.

PARCEL 5:

THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 42 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF RUTLAND, KANE COUNTY, ILLINOIS.

PARCEL 6:

THE WEST HALF OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 42, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF RUTLAND, KANE COUNTY, ILLINOIS.

PARCEL 7:

THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 11, TOWNSHIP 42 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF RUTLAND, KANE COUNTY, ILLINOIS.

PARCEL 8:

THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 42 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF RUTLAND, KANE COUNTY, ILLINOIS.

PARCEL 9:

THE SOUTH HALF OF THE SOUTH HALF OF SECTION 2 AND THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 11, ALL IN TOWNSHIP 42 NORTH, RANGE 7 EAST OF

THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF RUTLAND, KANE COUNTY, ILLINOIS.

PARCEL 10:

THE NORTH HALF OF THE NORTHEAST QUARTER (EXCEPT THE SOUTH 4 RODS OF THE WEST 3 RODS THEREOF) OF SECTION 11, TOWNSHIP 42 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN THE TOWNSHIP OF RUTLAND, KANE COUNTY, ILLINOIS.

PARCEL 11:

THE NORTHWEST FRACTIONAL QUARTER OF SECTION 2, (EXCEPT THE WEST 87 LINKS OF THE NORTHWEST QUARTER OF SAID NORTHWEST FRACTIONAL QUARTER AND ALSO EXCEPT THAT PART OF SAID NORTHWEST FRACTIONAL LYING NORTHEASTERLY OF THE CENTER LINE OF HUNTLEY ROAD), ALSO THE NORTH HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 2, ALL IN TOWNSHIP 42 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN IN RUTLAND TOWNSHIP, KANE COUNTY, ILLINOIS.

Parcel Identification Numbers: 02-02-100-007; 02-02-100-008; 02-02-300-002; 02-02-300-003; 02-02-300-004; 02-02-400-002; 02-11-100-003; 02-11-100-010; 02-11-200-001; 02-11-200-003; 02-11-200-005; 02-11-200-007; 02-11-300-008; 02-11-400-003; 02-11-400-004; 02-11-400-005; 02-11-475-012; 02-11-425-001; 02-11-475-001; 02-11-425-010; 02-11-401-016; 02-11-296-001; 02-11-401-001; 02-11-401-008; 02-11-401-015; 02-11-350-007; 02-11-404-010; 02-11-475-013; 02-11-401-014; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 02-11-401-013; 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