

Village of Gilberts
87 Galligan Road
Gilberts, Illinois
Village Board
Meeting Minutes
December 17, 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.

Public Hearing

Tax Levy Ordinance for Fiscal Year Beginning May 1, 2014 and ending April 30, 2015

A Motion was made by Trustee Hacker and seconded by Trustee Zambetti to open the public hearing for the Tax Levy Ordinance for Fiscal Year beginning May 1, 2014 and ending April 30, 2015. Roll call: Vote: 6- ayes: Trustees Corbett, Mierisch, LeClercq, Zambetti, Farrell and Hacker. 0-nays, 0-abstained. Motion carried.

President Zirk reported that the Village in compliance with the Truth in Taxation Act was not required to conduct a public hearing on the proposed tax levy due to the fact the proposed aggregate levy was less than 105% of the amount of property taxes extended for the preceding year. However, to maintain transparency Administrator Keller had recommended conducting a tax levy public hearing. President Zirk proceeded to inquire if anyone in attendance had any questions or comments on the proposed tax levy. There were no comments from the audience. **A Motion was made by Trustee Farrell and seconded by Trustee Zambetti to close the Tax Levy Public Hearing.** Roll call: Vote: 6-eyes: Trustees Mierisch, LeClercq, Zambetti, Farrell, Hacker and Corbett. 0-nays, 0-abstained. Motion carried.

President Zirk reported that Village Clerk Meadows had requested the Board Members consider amending the agenda to include Public Comment which was inadvertently omitted from the agenda. **A Motion was made by Trustee Hacker and seconded by Trustee Farrell to amend the agenda to include Public Comment.** Roll call: Vote: 6-eyes: Trustees LeClercq, Zambetti, Farrell, Hacker, Corbett and Mierisch. 0-nays, 0-abstained. Motion carried.

Public Comment

President Zirk asked if anyone in the audience wished to address the Board. Resident Steward Bond acknowledged he had a matter he would like to discuss with the Board Members. Resident Bond continued by expressing his concern with the potential installation of above ground equipment on Town Center lot 11. He noted that the lot was very small and he along with other residents had paid a premium for their lots adjacent to the open space to provide for an additional buffer. President Zirk reported that this matter will be discussed under item 5A as noted on the agenda.

Resident Harry Mierisch also commented on Town Center lot 11. He provided the Board Members with additional documentation on lot 11. He noted that on the documentation he had provided the Board Members lot 11 is depicted as private open space. He also expressed concern with respect to the installation of above ground equipment. Resident Mierisch thanked the Board Members for their time.

Consent Agenda

- A. A Motion to approve Minutes from the December 3, 2013, Village Board Meeting
- B. A Motion to approve Minutes from the December 10, 2013 Committee of the Whole Meeting
- C. A Motion to approve the November 2013 Treasurer's Report
- D. A Motion to approve Bills and Salaries Dated December 17, 2013 as follows: General Fund \$100,213.07, Performance bonds and Escrows \$97.50, Water Fund \$35,829.06, and Payroll \$73,544.43
- E. A Motion to approve Ordinance 25-2013, an Ordinance Levying Taxes for Fiscal Year beginning May 1, 2014 and ending April 30, 2015
- F. A Motion to approve Ordinance 26-2013, an Abatement Ordinance for SSA # 9 for Fiscal Year beginning May 1, 2014 and ending April 30, 2015
- G. A Motion to approve Ordinance 27-2013, an Abatement Ordinance for SSA #15 for Fiscal Year beginning May 1, 2014 and ending April 30, 2015
- H. A Motion to approve Ordinance 28-2013, an Abatement Ordinance for SSA # 19 for Fiscal Year beginning May 1, 2014 and ending April 30, 2015
- I. A Motion to approve Ordinance 29-2013, an Ordinance abating the Tax levied for the year 2013 to pay debt service on several bonds of the Village of Gilberts
- J. A Motion to approve Resolution 31-2013, a Resolution approving a renewal proposal by Arthur J. Gallagher Risk Management Services, Inc. for property, liability, worksman's compensation, and risk management insurance coverage

President Zirk asked if there were any items the Board Members would like to remove from the consent agenda. Trustee LeClercq stated he would like to remove item 4B from the consent agenda. **A Motion was made by Trustee Zambetti and seconded by Trustee LeClercq to approve the consent agenda items 4A and 4C-4J as presented.** Roll call: Vote: 6-ayes: Trustee Zambetti, Farrell, Hacker, Corbett, Mierisch and LeClercq. 0-nays, 0-abstained. Motion carried.

4. B. A Motion to approve Minutes from the December 10, 2013 Committee of the Whole Meeting

Trustee LeClercq recanted his nay vote with respect to the nomination of Trustee Zambetti as President Pro-Temp at the December 10th Committee of the Whole meeting. He apologized for his use of humor during a roll call vote. **A Motion was made by Trustee Zambetti and seconded by Trustee Hacker to approve the Minutes for the December 10, 2013 Committee of the Whole Meeting.** Roll call: Vote: 6-ayes: Trustees Farrell, Hacker, Corbett, Mierisch, LeClercq, and Zambetti. 0-nays, 0-abstained. Motion carried.

Items for Approval

A Motion to approve a Declaration of Restrictive Covenants Relating to Lot 11 of Gilberts Town Center
Attorney Tappendorf provided the Board Members with an overview of the proposed Declaration of Restrictive Covenants for Gilberts Town Center lot 11. She discussed the fact if the Restrictive Covenants for Gilberts Town Center lot 11 passed the property would remain open space and be intended for passive recreation uses only. No permanent above-ground structure would be allowed to be constructed or installed on the Property and the restrictions would run with the land.

Trustee Zambetti expressed concern with passing the restrictive covenants. He noted that the residents' perception of the passage of the restrictive covenants would be that the Board was not in favor of improving the parks. Trustee Zambetti commented on the fact for many years he has been the advocate for park improvements and the use of the 1 million dollars collected in impact fees to fund the improvements. He reported that he would have to vote no on the restrictive covenants. In Trustee Zambetti's opinion his no vote reflects the negative message passage of the restrictive covenants may send to residents with respect to not supporting park improvements. Trustee Zambetti stated that in addition to his concerns of the perception the residents may have if this resolution were to pass. He expressed concern that when the Board went to improve Town Center Park and propose installing permanent structure neighbors adjacent to the park might ask the Board to consider passing a resolution prohibiting any type of above-ground structures in Town Center Park because they had previously accommodated some residents in Town Center and prohibited above-ground structures on lot 11.

Trustee Mierisch inquired if Attorney Tappendorf recommends she recuse herself from voting due to the fact she resides in close proximity to the lot in question. Attorney Tappendorf replied that there is no legal implication if she were to vote on this matter. Trustee Mierisch would not personally benefit from the decision. Attorney Tappendorf stated however, if Trustee Mierisch felt more comfortable recusing herself from the vote she could do that.

A lengthy discussion ensued with respect to other options to prohibit the installation of above-ground structure on Town Center lot 11. Trustee Mierisch reported that the surrounding property owners had considered purchasing the property. Attorney Tappendorf noted that the Village could sell the property at 80% of the fair market value. President Zirk noted that if you had dedicated easements on the property it would decrease the value of the land.

Trustee LeClercq stated he had no problem with approving the restrictive covenants on Town Center lot 11 as long as it did not prohibit children from using the lot to play. There was some discussion on the fact the restriction would not prohibit portable sporting equipment.

Trustee Mierisch commented on the fact that perception maybe this matter is being considered due to the fact she is a Board Member and resides in close proximity to lot 11. However, the reality is the neighbors adjacent to the lot 11 paid a premium price for their lots to have the additional buffer lot 11's open space provides. It would be unfair to those residents to have any above-ground structure installed on lot 11.

There being no further discussion on the matter, **a Motion was made by Trustee LeClercq and seconded by Trustee Farrell to approve the declaration of Restrictive Covenants as presented.** Roll call: Vote: 4-ayes: Trustees Hacker, Corbett, LeClercq and Farrell. 1-nay: Trustee Zambetti, Trustee Mierisch recuse herself. Motion carried.

A Motion to approve Ordinance 30-2013, an Ordinance Proposing the Establishment of Special Service Area 24

Attorney Tappendorf discussed the purpose of Ordinance 30-2013. She reported that proposing the establishment of SSA 24 initiates the process of re-bonding SSA 19. The public hearing is scheduled to be held on January 7th after the public hearing is conducted the sixty day petition period will commence.

There being no further discussion on this matter, **a Motion was made by Trustee Zambetti and seconded by Trustee Farrell.** Roll call: Vote: 6-ayes: Trustees Corbett, Mierisch, LeClercq, Zambetti, Farrell and Hacker. 0-nays, 0-abstained. Motion carried.

A Motion to approve Resolution 32-2013, a Resolution approving the reduction of Prairie Business Park TIF Bond

Attorney Tappendorf provided the Board Members with an overview of Interstate Partners request for a reduction in the Subdivision Performance Bond. She noted that they were calling the bond a TIF Bond. However, their terminology was misleading.

What they are requesting is a reduction in their Subdivision Performance Bond. Attorney Tappendorf reported that Engineer Blecke has verified the work completed and the contractors' waivers.

Attorney Tappendorf recommended amending the resolution to reflect the corrected reduction and new bond amounts as follows: Reduction amount-\$995,333.70, New Subdivision Bond amount-\$316,202.08. In addition, Attorney Tappendorf stated for the record the Village is not accepting any public improvement located within the Prairie Business Park Subdivision nor is any public improvements' maintenance period commencing. **A Motion was made by Trustee Zambetti and seconded by Trustee LeClercq to approve Resolution 32-2013, a Resolution approving the reduction of Prairie Business Park Subdivision Performance Bond as amended.** Roll call: Vote: 6-ayes: Trustees Mierisch, LeClercq, Zambetti, Farrell, Hacker and Corbett. 0-nays, 0-abstained. Motion carried.

Items for Discussion

There were no items listed under "Items for Discussion".

Staff Reports

Administrator Keller reported that staff will be working with a consultant in drafting a revised park development plan for Town Center Park. He asked if the Board Members had any improvement items that were a priority.

Trustee LeClercq noted that he had a safety concern with pedestrians crossing Galligan Road to gain access to Town Center Park. He would like to see a pedestrian crossing installed or warning lights. Staff reported that these types of improvements would need to be addressed with the county.

Trustee Corbett inquired if the 1.4 million dollars would cover all the cost associated with the Town Center Park improvements. Administrator Keller replied no, the Board Members may want to consider phasing in the improvements.

Trustee Mierisch inquired if Town Center Park was the only park staff was focusing on. She noted that in past discussion there were thoughts to partnering with the school and construct a park near the school property. In addition, there is ample space to construct a park on the property adjacent to the intersection of Tyrrell Road and Raymond Drive. Administrator Keller reported that the open space at the intersection of Tyrrell Road and Raymond Drive has been earmarked for the sanitary plant expansion.

Trustee Corbett inquired if the Village has considered constructing a hockey rink. Trustee Farrell reported that Community Days Committee has discussed constructing an ice rink in Town Square Park.

A lengthy discussion ensued with respect to what amenities a regional park should offer. President Zirk suggested that regional park amenities should be unique in nature and not have the same amenities offered at the existing parks and tot lots. President Zirk recommended prior to the Board prioritizing the amenities they would like to have in a regional park staff supply the Board Members with the cost associated with a variety of regional park amenities. Trustee Mierisch suggested the Board Members may want to consider planning all three of the future regional parks.

Administrator Keller commented on the maintenance cost of a regional park. He provided the Board Members with examples of additional maintenance expenses. If the Board decided to construct a splash park there would be chemical cost, staff time and additional equipment would need to be purchased. Administrator Keller recommends the maintenance cost be taken under consideration during the park improvement design process.

Trustee Mierisch recalled past Board conversations where they discussed providing advertising opportunities at the ball fields. The revenue generated from advertising could be used to offset the park maintenance cost. Administrator Keller also recalled the conversations. However, he believed the YMCA was not in favor of promoting advertising opportunities due to the fact that many area businesses sponsor the YMCA athletic teams and the advertising opportunities might create a drop in sponsorship funding.

A lengthy discussion ensued with respect to impact fees. Finance Director Blocker provided the Board Members with the history of the impact fees collected and their disbursement to date.

Staff will draft improvement options with the cost associated with each and the completion date timeline.

Administrator Keller reported that he had not received any comments from the Board Members on the draft UDO. If the Board Members have no comments this matter will be placed on the January 7th agenda.

Administrator Keller reported on the new prohibition against distractive driving that goes into effect on January 1, 2014. He reported that the Police Department will be educating drivers and initially issuing warning tickets to those observed using their cell phone.

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Board of Trustee Reports

Trustee Corbett commented on a recent article quoting District 300 Assistant Superintendent of Operations, Chuck Bumbales as reporting D300 will not be addressing the re-districting issue in the 2014-2015 school years.

Trustee LeClercq formally apologized for his comedic behavior at the last board meeting.

Trustee Leclercq questioned if Redmond Drive and Jackson were being salted. Trustee Zambetti also wondered if those streets were being salted. Administrator Keller will check with Chief Building Inspector Swedberg on the street salting operations.

President Reports

President Zirk commented on the recent Tree Lighting event. He noted that staff needs to pay more attention to detail and prior to the event ensure all equipment is functioning properly prior to the start of the event.

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 8:57 p.m.** Roll call: Vote: 6-ayes by unanimous voice vote. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows