

**Village of Gilberts
87 Galligan Road
Gilberts, IL 60136
Village Board
Meeting Minutes
August 19, 2014**

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, Farrell, Hacker and President Zirk. Others present: Administrator Keller, Finance Director Blocker, Assistant Administrator Beith and Village Clerk Meadows. For members of the audience please see the attached sign-up sheet.

Public Comment

President Zirk inquired if anyone in the audience had any questions or comments they would like to share with the Board Members. There were no comments offered from any members of the audience.

Consent Agenda

- A. A Motion to approve Minutes from the August 5, Village Board Meeting**
- B. A Motion to approve Minutes from the August 12, 2014 Committee of the Whole Meeting**
- C. A motion to approve July 2014 Treasurer's Report**
- D. A Motion to approve Bills and Salaries dated August 19, 2014 as follows: General Fund \$142,773.83, Developer Donations \$19,074.77, Performance Bonds and Escrows \$3,286.15, Water Fund \$164,224.60 and Payroll \$57,857.08.**
- E. A Motion to approve Resolution 36-2014, a Resolution approving the 2014 Water Reclamation Facility-Facility Plan Amendment**

President Zirk asked if there was any item on the consent agenda any of the Board Members would like removed for separate consideration and discussion. Trustee Hacker requested item 4.E. be removed from the consent agenda. **A Motion was made by Trustee Farrell and seconded by Trustee Hacker to approve the consent agenda items A-D as presented.** Roll call: Vote: 4-ayes: Trustees Corbett, Mierisch, Farrell and Hacker. 0-nays, 0-abstained. Motion carried.

A Motion to approve Resolution 36-2014, a Resolution approving the 2014 Water Reclamation Facility- Plan Amendment.

Trustee Hacker expressed his concern with the Water Reclamation Facility Plan Amendment's assumption which recommends raising the sewer rates by 3.32% compounded annually while the plans calls for tap on fees to remain constant. President Zirk understood Trustee Hacker's position on opposing increasing the sewer rate annually for twenty years. However, the current Water Reclamation Facility Plan approved by a past Village Board, IEPA and environmental advocacy groups obligates the Village to expand the WRF to 2.5 MGD at a cost of 20 million dollars. The amended plan reduces the construction cost and MGD in half. President Zirk and Trustee Hacker engaged in a lively debate with respect to the WRF plan amendments.

Trustee Zambetti arrived at 7:05 p.m.

President Zirk noted that when the original plan was approved in 2005 the housing market was booming and the population projections reflected the growth accordingly. However, when the housing market crashed the population growth rate became flat. The amended plan recommends phasing in the expansion improvements and reduces the capacity to 1.25 MGD.

President Zirk discussed the fact that he is not in favor of the residents being burdened with the cost of new development. He would prefer to see developers offset the cost with impact fees. There was some discussion with the proposed increase of the impact fees. Trustee Hacker directed staff to research what other surrounding communities' impact fees are currently. He would be more comfortable knowing that the proposed impact fee is compatible to the surrounding communities' fees.

President Zirk commented on Engineer Fisher's assumptions. He noted that in his opinion Engineer Fisher had taken a conservative approach to the WRF expansion cost and the funding options. President Zirk believed the IEPA would be supportive of the plan amendments.

President Zirk discussed the worst case scenario in which the Village doesn't plan for an expansion and the IEPA mandates the Village increase the Water Reclamation Facility capacity. Trustee Hacker was more optimistic that the sewer system would remain efficient and PE usage remains below the current systems capacity. Trustee Corbett inquired if there was a time constraint in which the WRF amendments needed to be approved. Administrator Keller replied no. However, Staff has been working with the IEPA and the environmental advocacy groups on the amendments for five years. There was some discussion on tabling this matter until Staff can provide the Board Members with additional information.

Trustee Mierisch reported that she was unable to attend the last meeting and was catching-up by reading the August 12th minutes. The minutes referenced that staff would be providing the Board Members with information on the water rate study at an upcoming meeting. She questioned if the Board Members should be provided that information prior to approving the WRF plan amendments. Administrator Keller noted that the WRF plan amendment is just a guidance tool and can be amended. The plan does not commit the Board to raising the sewer rate.

Trustee Zambetti and Trustee Farrell acknowledged that the plan amendments did not obligate the Board to raise the user fees. Trustee Hacker commented on the scenario if the Village was to move forward with the expansion and the economic environment slowed the cost of the expansion would fall on the users. President Zirk noted that in his opinion this is a viable plan and it reduces the Village's obligations by half.

There being no further discussion on this matter. **A Motion was made by Trustee Zambetti and seconded by Trustee Farrell to approve Resolution 36-2014, a Resolution approving the 2014 Water Reclamation Facility Plan Amendment.** Roll call: Vote: 4-ayes: Trustees Mierisch, Zambetti, Farrell, Corbett. 1-nay: Trustee Hacker, 0-abstained. Motion carried.

Items for Approval

A Motion to approve Ordinance 16-2014, an Ordinance approving a Special Use Permit for Pub Rt. 72 to allow for an outdoor dining area on property zoned C-1 Commercial located at 36 E. Higgins.

Administrator Keller reported based on feedback from the August 12th Committee of the Whole meeting, the draft Ordinance was amended to clarify that "seated" service includes food and/or liquor, no bar may be placed in an outdoor seating area and maximum occupancy will be based on the number of seats that can be accommodated by the deck in accordance with the Village's building codes. Trustee Mierisch noted that she had read in the August 12th minutes that there would be no outdoor speakers allowed. Administrator Keller replied that information was accurate. The Ordinance prohibits the use of outdoor music, amplified sound, live performances or other noise and vibration generating activities.

There being no further discussion on this matter, **a Motion was made by Trustee Corbett and seconded by Trustee Zambetti to approve Ordinance 16-2014, an Ordinance approving a Special Use Permit for Pub Rt. 72 to allow for an outdoor dining area on property zoned C-1 Commercial located at 36 E. Higgins.** Roll call: Vote: 5-ayes: Trustee Zambetti, Farrell, Hacker, Corbett, and Mierisch. 0-nays, 0-abstained. Motion carried.

A Motion to approve Ordinance 17-2014, an Ordinance amending various provisions of Chapter 2 of Title 3 of the Village Code regarding Liquor Control

Administrator Keller reported that approval of this Ordinance amended the liquor code to allow for outdoor liquor service. In addition, the Ordinance also amends the fees for special events. President Zirk noted that the allowance of outdoor dining and liquor service is a two part process a liquor establishment would have to petition the Village for a special use permit if granted they also would need to apply for an OS liquor license and pay the \$200.00 fee.

There being no further discussion on this matter, **a Motion was made by Trustee Corbett and seconded by Trustee Farrell to approve Ordinance 17-2014, an Ordinance amending various provisions of Chapter 2 of Title 3 of the Village Code regarding Liquor Control.** Roll call: Vote: 5-ayes: Trustees Farrell, Hacker, Corbett, Mierisch and Zambetti. 0-nays, 0-abstained. Motion carried.

A Motion to approve Ordinance 18-2014, an Ordinance approving a Final Plan for Building III of the Prairie Business Park PUD and the Plat of Dedication for the Burnet Drive Right of Way.

Administrator Keller reported that Interstate Partners LLC has submitted a final plan for their Building III site, located at the southwest corner of the Prairie Business Park. Because Prairie Business Park was entitled a PUD final plans require Village Board approval before permits may be issued. The Plan Commission at their August 13th meeting recommended approval.

Interstate Partners will construct a 275,265 s.f. building that will extend across Lots 58 through 65. Access to the site will be provided by Burnet Drive to be located along sliver lots 57-58. The accompanying plat of dedication would grant the right of way to the Village for the road to be built by Interstate Partners.

Trustee Mierisch asked if buildings 1 and 2 had any vacancies. Mr. Possin responded yes, each building has one vacant unit. They are moving forward with the construction of building III to accommodate larger users. Trustee Mierisch expressed concerns with the fact that many communities have large abandoned buildings. Mr. Possin responded by saying Prairie Business Park construction is ahead of schedule and the community should receive TIF increments sooner than originally anticipated.

Trustee Mierisch noted that the August 12th Committee of the Whole minutes referenced a discussion with respect to the site's unacceptable appearance. Administrator Keller reported that after the meeting Chief Building Inspector Swedberg sent a violation notice to Mr. Reimer and copied Interstate Partners. Mr. Possin reported that they are working on addressing the violations noted in the letter.

Trustee Hacker asked when they planned to remove the large dirt pile which is covered with weeds. Mr. Possin replied some of the dirt will be used as fill for building III and the rest is slated to be used to balance the site. Once the site is balance they will be planting winter wheat or some other type of crop.

Trustee Hacker expressed concerns with the weeds in front of building I across from Arrowhead. Mr. Possin stated he will check in to this matter. A lengthy discussion ensued on ways in which Interstate Partners and Mr. Riemer could remediate the site conditions.

President Zirk questioned when the offsite improvements would be completed. Mr. Possin reported that the improvements would be completed prior to the December 31st deadline.

Trustee Mierisch commented on past experiences dealing with Mr. Riemer. She noted that he has a history of not complying with Village Ordinances until he is served notice. Mr. Possin defended Mr. Riemer and cited personal reasons for the delay in the maintenance of the site and the construction of the infrastructure. However, he now has resumed working on the project.

There was some discussion on the projection of lighting from building III. Administrator Keller stated that theoretically the lights could project on to the residential subdivision across the street. Mr. Possin reported that the berm would remain prohibiting building III's lights from projecting on to the residential subdivision.

President Zirk inquired on the construction timeline of the bike trail. Mr. Possin reported that the trail system is being phased in. The trail should be completed by 2016.

Administrator Keller reminded Mr. Possin that Interstate Partners will need to post the Performance Bond for building III.

There being no further discussion on this matter, **a Motion was made by Trustee Corbett and seconded by Trustee Zambetti to approve Ordinance 18-2014, an Ordinance approving a Final Plan for Building III of the Prairie Business Park PUD and the Plat of Dedication for the Burnet Drive Right of Way.** Roll call: Vote: 5-ayes: Trustees Hacker, Corbett, Mierisch, Zambetti and Farrell. 0-nays, 0-abstained. Motion carried.

Items for Discussion

There were no "Items for Discussion" listed on the agenda.

Staff Reports

Administrator Keller reported that he will be on vacation until next Thursday.

Board of Trustee Reports

Trustee Farrell inquired on the status of the Mason Road reconstruction. Administrator Keller reported that he is waiting to hear back from the City of Elgin's Staff.

Trustee Mierisch inquired if staff had responded to an email regarding concerns with Mason Road. Administrator Keller doesn't recall receiving the email in question. The Board Members realize that Staff was not copied on the email. The Board Members will forward the email on to Staff so they can respond on the Board Members behalf.

President's Report

There was some discussion on the City of Elgin boundary map on file with the Village. President Zirk reported that there were two exhibits one dated October, 2004 and the other dated November, 2004. The October exhibit was the one Staff used during the discussion concerning the soccer facility. However, the map dated November, 2004 was the map approved and depicts that the soccer club was in the Village of Gilberts planning boundaries. However, this error would have not changed Intra Soccer Club's desire to petition Kane County for the rezoning of said property and procurement of a Kane County Liquor License. Staff has since updated the October 2004 map to reflect the correct boundaries.

Ms. Barb Clayton, representing Tyrrell Family Farm LLC which is adjacent to the Prairie Business Park apologized for not requesting to speak during the public comment portion of the meeting. President Zirk allowed Ms. Clayton to address the Board. Ms. Clayton expressed concerns with the grading of the Prairie Business Park. She noted that the current grading is sloped and not level with their property's grade. In addition, she questioned the access point for their property. President Zirk noted that these concerns Ms. Clayton would need to address directly with Interstate Partners. Administrator Keller reported that the Final Plan approval is an administrative process. Her concerns were addressed in 2013 during the public hearings on the then proposed development.

Adjournment

The being no further business to discuss, **a Motion was made by Trustee Zambetti and seconded by Trustee Corbett to adjourn from the public meeting at 8:49 p.m.** Roll call: Vote: 5-ayes by unanimous voice vote. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,
Debra Meadows

