

**Village of Gilberts
87 Galligan Road
Gilberts, IL 60136
Committee of the Whole
Meeting Minutes
July 14, 2015**

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 Kojzarek, Corbett, Zambetti, Hacker and President Zirk. Others present: Administrator Keller, Assistant Administrator Beith and Village Clerk Meadows. For members of the audience please see the attached copy of the sign-in sheet.

Items for Discussion

Minutes from the July 7, 2015 Village Board Meeting

President Zirk asked if any of the Board Members had any questions or comments on the minutes from the July 7th Village Board Meeting. The Board Members offered no comments on the July 7th meeting minutes. The minutes will be placed on the next consent agenda.

June 2015 Treasurer's Report

President Zirk asked if any of the Board Members had any questions or comments on the June 2015 Treasurer's Report. The Board Members offered no comments on the June 2015 Treasurer's Report. This matter will be placed on the next consent agenda.

Ordinance 19-2015, an Ordinance approving a final plan for Building IV of the Prairie Business Park

Administrator Keller reported that Interstate Partners LLC has submitted a final plan for the Building IV site located at the southeast corner of the Prairie Business Park. Because Prairie Business Park is an entitled Plan Unit Development the final plan requires an administrative review by the Plan Commission and approval by the Village Board. Unfortunately the final plan was to be reviewed by the Plan Commission on July 8th. However the Plan Commission did not have a quorum present and therefore could not make a recommendation

Administrator Keller reported that the final plan is for the construction of a 285,820 s.f. building extending across 14.7 acres.

Interstate Partners has not yet identified any specific uses or tenants for the building. Staff has verified that the final plan and accompanying building and landscaping exhibits comply with the UDO and the terms of the PUD Ordinance.

President Zirk directed Staff to provide the Board Members with a summary of the public infrastructure improvements that have yet to be completed and the trigger dates in which the improvement need to be completed. In addition, President Zirk directed staff to provide the Board Members with information with respect to all performance bonds or other guarantees the Village has on file ensuring the improvements can and will be completed per plan if Interstate Partners were to default on their obligations. Staff will collect the documents and report back. This matter will be placed on the July 21st Village Board Consent Agenda. Administrator Keller noted that if there was any controversial matters with the final plan the Village Board would have the option to pull the matter from the consent agenda for separate consideration.

WOW Business Internet Introduction

Administrator Keller reported that representatives from the Wide Open West (WOW) Business were in attendance to introduce themselves and their proposed internet services for the Village's business district.

Administrator Keller reported that WOW is asking if the Village Board would consider entering into a pass-through agreement granting WOW the rights to access the Village's right of ways and utility easement to extend their fiber cables.

Administrator Keller introduced Ms. Cynthia O'Connell, WOW's Director of Sales in Illinois. Ms. O'Connell provided the Board Members with an overview of WOW's Business Model. She noted that WOW's main corporate headquarters is located in Nevada, Colorado. However, WOW has several satellite offices throughout the United States. Ms. O'Connell commented that WOW offers exceptional customer service support. The local customer service support is available 24/7, 365 days a year and is rated high in reliability, billing, and technical service and provides customers with the ultimate customer experience.

Mr. Chris Naylor, Supervisor of Fiber/Engineering discussed the services WOW offers to businesses. He reported that WOW offers scalable voice & internet services and up to 10 Gbps with strong SLAs. In addition, WOW offers integrated cloud services that can be tailored to fit the businesses specific needs and operations.

Trustee Corbett inquired if WOW intended to offer services to the entire Village's business community. Ms. O'Connell replied yes. Trustee Corbett inquired if WOW would in the future consider offering residential service. Ms. O'Connell replied that currently residential service was not included in the business plan. However, she refrained from saying that WOW would never consider offering residential services.

Trustee Zambetti inquired on when WOW anticipated installing service to the business community. Mr. Naylor reported that once the permits have been issued WOW would begin installing the business community's fiber network.

President Zirk questioned if Staff envisioned the pass-through agreement mirroring a non-exclusive licensing agreement or a franchise agreement similar to the agreement between the Village and MediaCom. Administrator Keller reported that he had discussed this matter with Attorney Tappendorf and WOW is not subject to the cable franchise laws or the franchise fees, but their telephone services would be subject to the Village's telecommunication tax. President Zirk expressed concern that the Village has a potential to loss revenue when these services are introduced. Administrator Keller noted that with the newer streaming technology the Village has already noticed a loss in telecommunication tax revenue.

President Zirk commented on the fact that the residential areas are currently under served. However, the Village recently went to referendum to ask the voters if they wanted a residential fiber network and voters voted down the property tax increase funding the fiber network.

A lengthy discussion ensued with respect to the transition of cable services. In this day and age consumers prefer the streaming Ala Carte options. This environment is making cable franchise markets no longer sustainable.

Trustee Corbett reiterated the fact that Gilberts' residential subdivisions are greatly under served. Ms. O'Connell sympathized with the Village's situation. However, at this time WOW is focused on the business community. President Zirk did not want Ms. O'Connell to get the impression the Board Members thought the installation of WOW's fiber network had a negative impact on the community. In fact from the economic development stand point the installation of the fiber network in Gilberts has a positive impact on the community as a whole. Gilberts' economic development growth should excel as the fiber network enhances high speed business opportunities, unlike any other surrounding community

The Board Members inquired on what WOW's threshold is on the number of residential customers they would need to warrant a residential build out. Ms. O'Connell believed WOW would require 20% market saturation prior to considering constructing a residential fiber network.

The Board Members thank the WOW representatives for their time.

MDC waste hauling contract extension

Administrator Keller reported that in 2011 the Village had entered into a five-year agreement with MDC to provide waste and recycling collection services to Gilberts residents. MDC was selected as the lowest responsible bidder at the conclusion of the RFP process.

Administrator Keller commented on the fact that both Clerk Meadows and Assistant Administrator Beith confirmed the Village receives very few calls expressing concern with MDC services.

Administrator Keller reported that MDC has proposed two options for extending the contract by either five or eight years, with somewhat varying terms. Administrator Keller discussed option 1; he noted option 1 offers a five-year extension, effective May 1, 2016 and annually thereafter. The proposed monthly rate would be adjusted by the Consumer Price Index (Midwest Urban Consumers) through April 30, 2021.

Administrator Keller continued on by discussing option 2, which was an eight-year extension effective August 1; 2015 the current monthly rate (\$20.09) would be reduced to last year's monthly rate of \$19.51. Then starting August 1, 2016 the rate would be adjusted annually by the CPI for the next five years: not adjusted for Year 6 and then annually adjusted by the CPI for the final two years.

Administrator Keller commented on the fact that the proposal includes allowing customers a one-time swap-out of their garbage containers at no additional cost. This service would otherwise result in a \$25.00 service fee. The contract extension would include an updated list of parks and special events at which MDC will provide garbage containers, portable toilets and hand washing stations at no charge to the Village.

Administrator Keller reported that the Village charges its garbage customers the actual monthly cost, plus a \$5.00 service fee. The proceeds from the service fees are set aside in the road improvement fund and generate approximately \$135,000 annually or approximately \$1.1 million by the end of the contract which will assist in funding the next major road improvement program in 2021-2022.

Administrator Keller noted that in response to the Board's recent inquires about electronic recycling options, Staff asked MDC to offer two e-waste recycling events each year.

Mr. Greg Jury and Mr. Rick Bryant representatives for MDC introduced themselves. They asked if the Board Members had any questions for them at this time.

President Zirk reported he had received several requests from various residents if it would be possible to receive larger recycling containers and smaller garbage containers. Mr. Jury stated he will explore this matter and report back to Village Staff.

President Zirk expressed concerns with approving an eight year contract. Due to the fact no one can predict how e-recycling will evolve. In addition, he directed Staff to compare the proposed rates to other comparable communities' waste removal rates prior to approving an eight-year contact.

President Zirk suggested including language in the contract addressing acquisition by a competitor. In his opinion the Village should have the option to opt out of the contract. Administrator Keller reported that there is currently a "Default Provision". However, he will have Attorney Tappendorf review the contract language to ensure the language is current.

The Board Members concurred if the surrounding communities' waste removal rates were comparable they were in favor of approving the eight-year contract.

Parks signage for recreational programming agreement participants

Administrator Keller reported at the July 7th Village Board Meeting the Board had asked Staff to develop a policy to allow the current recreational programming participants to post temporary signs at the Village parks.

Administrator Keller reported the signs would be informative with respect to their respective programs and not cannibalizing sponsorships or donations. Trustee Kojzarek agreed the signage should be promoting their respective programs.

Trustee Corbett recommended there be language included in the policy noting the Village has the right to remove or move any signs. In addition, Trustee Corbett recommended not permitting any signage on the backstop as this would obstruct a spectators view. Trustee Hacker agreed. He noted placing signage in that general vicinity could also limit spectators' line of site and the opportunity to avoid foul balls.

Staff Reports

Administrator Keller reported that he would like to request the Board Members consider entering into executive session to discuss ongoing litigation with no business to follow.

Board of Trustees Reports

Trustee Hacker inquired on the status of the crack sealing quotes. Administrator Keller reported that the quotes received were higher than the cost of doing the work in house. Public Works will begin crack sealing in August and then in the fall prior to the budget discussions Staff will go out to bid.

President's Report

President Zirk reported that he would entertain a motion to enter into Executive Session to discuss ongoing litigation with no business to follow.

Public Comment

Resident Dan Pace approached the podium. He asked the Village if they had copies of the proposed plan for the City of Elgin's Industrial Building adjacent to Mason Road. Administrator Keller noted that the plans were once located on the City of Elgin's website. However, Staff will send copies of the plans to Mr. Pace.

Executive Session

A Motion was made by Trustee Hacker and seconded by Trustee Zambetti to recess in to executive session with no business to follow as permitted by ILCS 120/2 (C) (11) to discuss current litigation. Roll call: Vote 4-ayes: Trustee Kojzarek, Corbett, Zambetti and Hacker. 0-nays, 0-abstained. Motion carried.

The Board Members along with Administrator Keller, Assistant Administrator Beith and Village Clerk Meadows entered into executive session at 8:13 p.m. and returned to the public meeting at 8:33 p.m.

Reconvene/Roll Call

Village Clerk Meadows called the roll. Roll call: Members present: Trustee Kojzarek, Corbett, Zambetti, Hacker and President Zirk. Others present: Administrator Keller, Assistant Administrator Beith and Clerk Meadows.

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Adjournment

There being no further public business to discuss, a Motion was made by Trustee Corbett and seconded by Trustee Hacker to adjourn from the public meeting at 8:34 p.m. Roll call: Vote: 4-ayes by unanimous voice vote. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows