



Village of Gilberts
87 Galligan Road
Gilberts, IL 60136
Special Village Board
Meeting Minutes
January 31, 2017

*Approved
minutes
2/7/17*

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

Clerk Meadows called the roll. Roll call: Members present: Trustees Kojzarek, Corbett, LeClercq, Zambetti, Farrell and President Zirk. 1-absent: Trustee Hacker. Others present: Administrator Sakas, Attorney Tappendorf, Assistant Administrator Beith, Chief Building Inspector Swedberg. For members of the audience please see the attached copy of the sign-in sheet.

Public Comment

President Zirk asked if anyone in attendance had any questions or comments they would like to share with the Board Members. Resident Daniel Pace approached the podium and provided the Board Members and those in attendance with a brief statement regarding the Conservancy Development.

Consent Agenda

- A. A Motion to approve minutes from the January 17, 2017 Village Board Meeting.**
- B. A Motion to approve Bills & Payroll dated January 31, 2017 as follows: General Fund \$6,918.07, Water Fund \$17,905.07, Performance Bonds \$1,479.00.**

President Zirk noted that the minutes for approval are the amended minutes that Village Clerk Meadows emailed to the Board Members earlier today.

President Zirk asked if any of the Board Members wished to remove any of the consent agenda items from the agenda for separate consideration. The Board Members offered no comments. **A Motion was made by Trustee Kojzarek and seconded by Trustee Corbett to approve the consent agenda items A-B as presented.** Roll call: Vote: 5-ayes: Trustees Kojzarek, Corbett, LeClercq, Zambetti and Farrell. 0-nays, 0-abstained. Motion carried.

Items for Approval

A Motion to approve Ordinance 04-2017, an Ordinance approving the First Amendment to the Conservancy Annexation Agreement

President Zirk noted that Trustee Hacker had asked President Zirk to ask a couple of questions regarding the first amendment to the Conservancy Annexation Agreement in his absence. However, he will reserve Trustee Hacker's question to the end of the discussion.

Attorney Tappendorf commented on her overview memo which was included in the packet. She noted that the changes in the draft First Amendment to the Conservancy Annexation Agreement were minor and outlined in her memo.

Attorney Tappendorf reported that the Plan Commission and the Village Board had held their statutory Public Hearings and had discussed the proposed amendments to both the annexation and PUD agreements over the past several years.

President Zirk noted that Gilberts Development LLC had restructured the SSA 19 bonds and the Village will recover the development's \$1.5 million obligation with interest over the course of the completion of the development. President Zirk reported that he had asked Finance Director Blocker what was the current amount the Village has recovered, to date and Finance Director Blocker reported that to date the Village has recovered \$200,000.00 plus interest.

President Zirk on behalf of Trustee Hacker inquired if the first amendment to the annexation agreement recapture amounts had changed. Attorney Tappendorf reported that there were no changes to the recapture amounts.

President Zirk on behalf of Trustee Hacker expressed concerns with the aesthetics of the proposed elevations. Trustee Hacker suggested 50% of the houses built should include front porches and the home elevations should be 30% brick. Attorney Tappendorf noted that the elevations have to comply with the UDO, and the developer has not requested any deviations. The building plans will be reviewed by Staff and any deviations from the UDO would have to be Board approved.

Trustee Farrell noted that Attorney Tappendorf's memo was beneficial in understanding the changes to the annexation and PUD agreements.

Trustee Farrell commented on the Village's Tree Replacement Program which contains a list of permitted tree species. She questioned if the landscape plan would contain a list of tree species. Attorney Tappendorf replied yes, and the landscape plan will be approved with the Final Plat.

Trustee Farrell commented on the proposed 12 additional home sites. Attorney Tappendorf replied yes there are 12 additional homes included in the first amendment to the annexation and PUD agreements. This raises the total number of home sites from the original amount of 985 to 997. She noted that the additional home sites are obligated to pay the water and sewer connection fees.

Trustee Farrell asked if Developer Mertz knew the school boundary lines for School District 158. Developer Mertz reported that School District 158 boundaries began at the Kishwaukee Creek. Trustee Farrell inquired what would be the total number of homes located within the District 158 boundaries. Developer Mertz reported that there would be 550 located in the District 158 boundaries. Trustee Farrell noted that the age-targeted neighborhood is located in School District 300 and would have no impact on the Village Elementary School.

Trustee Farrell noted that she has been watching the closing notices in the newspaper and the Conservancy Home closing amounts are very high. Trustee Farrell reported that she is impressed with the Conservancy home values.

There being no further discussion on the motion, **a Motion was made by Trustee Zambetti and seconded by Trustee Farrell to approve Ordinance 04-2017, an Ordinance approving the First Amendment to the Conservancy Annexation Agreement.** Roll call: Vote: 5-ayes: Trustees Corbett, LeClercq, Zambetti, Farrell and Kojzarek. 0-nays, 0-abstained. Motion carried.

A Motion to approve Ordinance 05-2017, an Ordinance approving the First Amendment to the Conservancy Planned Unit Development (PUD) Agreement

Attorney Tappendorf reported that the annexation agreement sets the stage with respect to public improvements and developer obligations. The PUD Ordinance sets the zoning, bulk standards, elevations and floor plan requirements.

President Zirk asked if any of the Board Members had any question on the amended PUD Ordinance. The Board Members offered no comments. **A Motion was made by Trustee LeClercq and seconded by Trustee Kojzarek to approve Ordinance 05-2017, an Ordinance approving the First Amendment to the Conservancy Planned Unit Development (PUD) Agreement.** Roll call: Vote: 5-ayes: Trustee LeClercq, Zambetti, Farrell, Kojzarek and Corbett. 0-nays, 0-abstained. Motion carried.

A Motion to approve Resolution 04-2017, a Resolution Declaring Official Intent of the Village of Gilberts, Kane County, Illinois regarding establishing a SSA for the Conservancy Development

Attorney Tappendorf reported that this resolution does not obligate the Village to establish an SSA for the Conservancy Development. The resolution simply provides a tool to allow for the Village and Developer to be reimbursed for eligible expenses and the adoption of the resolution is an IRS Tax requirement.

There being no further discussion on the motion, a Motion was made by Trustee LeClercq and seconded by Trustee Zambetti to approve Resolution 04-2017, a Resolution Declaring Official Intent of the Village of Gilberts, Kane County, Illinois regarding establishing a SSA for the Conservancy Development. Roll call: Vote: 5-ayes: Trustees Zambetti, Farrell, Kojzarek, Corbett and LeClercq. 0-nays, 0-abstained. Motion carried.

A Motion to approve Resolution 05-2017, a Resolution authorizing an engineering service work order with Baxter & Woodman for the Preliminary Design of the Water System Improvements for the BA/RA Pretreatment System Upgrade

Administrator Sakas reported that the Baxter & Woodman's work order is an eligible SSA recoverable cost. He noted that Baxter & Woodman would be working with Jeremy Lin on the redesign of the BA/RA pretreatment system upgrade.

President Zirk commented on the effectiveness of the current water system. He hopes the new design will continue to provide effective water treatment at a low operational cost.

There being no further discussion on the motion, a Motion was made by Trustee Corbett and seconded by Trustee Zambetti to approve Resolution 05-2017, a Resolution authorizing an engineering service work order with Baxter & Woodman for the Preliminary Design of the Water System Improvements for the BA/RA pretreatment system upgrade. Roll call: Vote: 5-ayes: Trustees Farrell, Kojzarek, Corbett, LeClercq and Zambetti. 0-nays, 0-abstained. Motion carried.

Items for Discussion

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

Staff Reports

Attorney Tappendorf respectfully asked the Board Members consider entering into an executive session to discuss imminent litigation and personnel matters with no business to follow.

Assistant Administrator Beith reported that Staff had met recently with IDOT and Union Pacific Railroad representatives to discuss the reconstruction of a portion of the railroad tracks located along Higgins Road. During their meeting they discussed constructing temporary emergency routes for police and fire personnel. Assistant Administrator Beith noted that the reconstruction of the railroad tracks is not scheduled to begin until 2018.

Trustees' Reports

The Trustees offered no reports.

President's Report

President Zirk offered no reports. However, he stated that he would entertain a motion to enter into executive session to discuss imminent litigation and personnel matters with no business to follow.

Executive Session

A Motion was made by Trustee Kojzarek and seconded by Trustee Corbett to enter into execution session at 7:27 p.m. to discuss personnel matters as permitted by 5 ILCS 120/2 (c) (11) and imminent litigation as permitted by 5 ILCS 120/2 (C) (21) with no business to follow. Roll call: Vote: 5 ayes: Trustees: Kojzarek, Corbett, LeClercq, Zambetti and Farrell. 0-nays, 0-abstained. Motion carried.

The Board Members along with Administrator Sakas, Attorney Tappendorf, Assistant Administrator Beith and Chief Building Inspector Swedberg entered into executive session at 7:30 p.m. and returned to the public meeting at 8:25 p.m.

Reconvene/Roll Call

A Motion was made by Trustee Farrell and seconded by Kojzarek to reconvene the public meeting at 8:26 p.m. Roll call: Trustees Kojzarek, Corbett, LeClercq, Zambetti, Farrell and President Zirk. Others present: Administrator Sakas, Attorney Tappendorf Assistant Administrator Beith and Chief Building Inspector Swedberg.

Adjournment

There being no further business to discuss, a Motion was made by Trustee Corbett and seconded by Trustee Kojzarek to adjourn from the public meeting at 8:27 p.m. Roll call: Vote: 5-ayes by unanimous voice vote. 0-nays, 0-abstained. Motion carried.

Respectfully submitted,

Debra Meadows