

**Village of Gilberts  
Committee of the Whole  
Meeting Minutes  
August 25, 2009  
7:00 p.m.**

APPROVED MINUTES

**ORDER OF BUSINESS**

**Call to Order**

President Zirk called the meeting to order at 7:01 p.m. President Zirk led those present in the pledge of Allegiance.

**Roll Call / Establish Quorum**

President Zirk asked Acting Clerk Meadows to call the roll. Roll call: Members present: Trustee Erbeck, Clark, Zambetti, Farrell, Garcia and President Zirk. 1-absent: Trustee Mierisch. Others present: Administrator Keller, Attorney Tappendorf, Engineer Kanthack, Engineer Blecke, Chief Building Inspector Swedberg, Finance Director Blocker, Interim Police Chief Weiss, Illinois American Water representatives Steve Phillips and John Stein, and Acting Clerk Meadows.

President Zirk stated that Trustee Mierisch was not in attendance due to the fact one of her family members had lost their home in a fire. President Zirk on behalf of the Village wished them the best and went on to say if they need anything to let the Village know.

**Presentations**

**Illinois American Water**

Mr. Phillips reviewed the monthly Booster out totals and the amount of water treated at the Water Treatment Plant.

Mr. Phillips reported that the generator maintenance had been completed.

Mr. Phillips reported that there were some concerns with Well 4. However the issues had been resolved.

Mr. Phillips stated that the larger issue is the water loss concern. Mr. Phillips reported over the last five years the percentage of the water lost has increased. In 2005 the water loss percentage was 5% in 2006 the loss percentage was 4-5%, 2007 the loss percentage was 11%, and in 2008 it was 12%. However, the water loss percentage currently is running at a rate of 30%.

Mr. Phillips stated they have submitted a proposal from ATS to come out and conduct a Leak Detection and Location Survey. The estimate cost for the detection phase is \$2,376.00 and the location phase is \$295.00 for every pinpointed mainline or service leak and \$95.00 for every hydrant leak, or mainline valve leak.

President Zirk asked if Mr. Phillips is confident that both meters that they are using are reading accurately. Mr. Phillips replied that he is confident the meters are accurate.

Mr. Phillips is more concerned with 20 townhome units' meters. However, that would still not account for a 30% water loss. In addition, the water loss could be due to a combination of things.

Trustee Zambetti asked if it was possible that one of the Gilberts Town Center pods irrigation system was not metered. Mr. Phillips replied that it is possible.

Mr. Phillips reported that typically what is found is that hydrants are leaking.

Trustee Garcia asked if this proposal was just a preliminary phase. Mr. Phillips stated yes, that the proposal is to pin point the leak it does not include the repair cost.

Trustee Garcia asked how much it would cost to repair the pump in and pump out meters. Mr. Phillips stated that the meter receive maintenance each spring.

Trustee Clark recommended that the Board receive a second proposal so they could compare pricing. Engineer Kanthack will provide the Board Member with a second proposal.

Trustee Clark recommended that staff go around town and tighten all the fire hydrants.

Staff will proceed with getting a second quote and this matter will be discussed at the next Board Meeting.

#### **Minutes to be Considered**

Trustee Garcia asked Trustee Erbeck to confirm that at the Committee of the Whole Meeting held on August 11, 2009 that he stated what is noted in the first paragraph on page 4. Trustee Erbeck confirmed that was what he had said except for the word "West". Village Clerk Meadows will amend the minutes to exclude the word "West".

President Zirk directed staff to check to be sure Trustee Mierisch does not have any comments with respect to the minutes. If Trustee Mierisch has no comments the Village Board and Committee of the Whole Minutes may be placed on the next Consent Agenda.

President Zirk asked if anyone had any comments on the August 18<sup>th</sup> Village Board Minutes. There were no comments. The August 18<sup>th</sup> Village Board Minutes will be placed on the next Consent Agenda.

**Village Acceptance of Gilberts Town Center Unit 1A**

Engineer Kanthack reported that he had updated his original letter of recommendation for the Village Acceptance of Gilberts Town Center Unit 1A. Engineer Kanthack reported that all the outstanding items had now been addressed.

However, he recommends that a separate bond be required for the modification work to the restrictor located in the boundaries of unit 1A in the amount not less than \$7,500.00.

President Zirk asked if there were any questions. Trustee Clark recommends the Ordinance for Acceptance be placed on the next Board Agenda but not on the Consent Agenda.

President Zirk directed staff to include in the Ordinance the requirement of the of the additional Performance and Completion Bond, an Irrevocable Letter of Credit, or cash deposit in an amount of \$7,500.00., which sum represents 125% of the estimated cost of a modification likely to be required for an outfall restrictor located in the boundaries of unit 1A.

**Vehicle Sticker Cost Analysis**

Finance Director Blocker stated that she had included in the Board packets a worksheet that breaks down the amount of staff time devoted to the sale of vehicle stickers and the cost of materials vs. the revenue generated by the sale of vehicle stickers.

President Zirk stated that one of the objectives of looking at this is to try to find an alternate revenue source.

Trustee Garcia recommended maybe the Village should mail out the stickers with an invoice and have the resident mail back the payment. This would reduce staff time spent at the front counter. If residents need to change the information then they would have to come into the Village Hall. Trustee Garcia stated late fees and citation would be handled the same way.

Trustee Erbeck stated that he liked the idea. However, what if the Village mailed out the notice requesting vehicle sticker payment and after the payment was received mail out the stickers.

Finance Director Blocker asked what does staff due about residents that move in and out through out the year.

President Zirk stated that the goal is to eliminate the vehicle stickers.

Trustee Clark recommended that a fee to replace the vehicle sticker fee be added onto the resident's water bills.

President Zirk like the idea, due to fact that it would capture everyone in town.

Trustee Erbeck asked if this method would be taxation without representation. Due to the fact that money needs goes to the Road Fund.

Trustee Erbeck noted that what if he only had one vehicle and he is required pay the same as everyone else.

Trustee Clark stated that there is no fair way to handle this.

President Zirk stated he hopes in the near future the Board could come up with a way to replace the vehicle sticker revenue.

#### **Vehicle Sticker Enforcement**

Trustee Clark asked if the Police Department has the right to go onto private property and issue citations. In his opinion this action is petty.

Trustee Erbeck was surprise to learn that the Police Department goes onto private property and issue citations.

President Zirk stated that he does not feel comfortable directing the Police Department to go onto private property and issue citations.

Administrator Keller reported that currently if the vehicle is on private property in plain view the Police Department will issue citations.

Attorney Tappendorf stated that entering private property without a warrant can be a constitutional issue, depending on whether the vehicle is in "plain view." If a car is traveling on public streets, then clearly the Police Department can cite it for a vehicle sticker violation. In addition, an officer could cite a vehicle in a driveway if the violation was in "plain view" from the street or sidewalk. There is, however, the possibility that someone could defend a citation received while the car was on a private driveway by demonstrating that the vehicle was not operable and, therefore, did not require a vehicle sticker.

In addition, Attorney Tappendorf stated that vehicle sticker fees is not intended to be a revenue generator like a tax, but instead is way to enforce vehicles on public right-of-ways.

Trustee Erbeck stated in his opinion the police officers should not being going onto private property and issuing citations.

Trustee Farrell does not believe the Police Department should be going onto private property and issuing citations.

Administrator Keller stated the Board should provide staff with the direction on this matter.

Trustee Zambetti stated if the Police Department notices a vehicle that does not have a vehicle sticker it should receive a citation.

Trustee Garcia stated that he does not like seeing officers sitting at the corners setting up road blocks. He would prefer to see the Police Department handle this matter quietly by going onto private property and issuing citation

Trustee Erbeck would like to discuss this matter with the Police Department. He also thought it is bad public relation policy.

Trustee Zambetti thinks that the resident who don't purchase their vehicle stickers are expressing bad public relations.

Staff will see how other communities handle issuing citations on private property. In addition, how they have transitioned from not selling vehicle stickers.

#### **MFT FY 2010 Funds**

Administrator Keller stated that the Board had previously approved a policy of using up to 50% of the Village's annual MFT allocation to cover material and labor costs associated with snow plowing, crack filling and catch basin cleaning. Staff is projecting an allocation of approximately \$170,000, based on the latest estimate of state shared revenue, leaving \$85,000 for Village operations and \$85,000 for future capital road expenditures. If approved, Staff will submit the invoices and paperwork necessary to receive reimbursement for eligible activities for an amount not to exceed \$85,000.

Trustee Garcia asked Administrator Keller since he has been with the Village has he ever balanced the budget to include snowplowing without borrowing from the MFT funds.

Administrator Keller stated that the Village is not borrowing from the MFT funds the Village is submitting for reimbursement of eligible activities.

President Zirk stated that many communities use the MFT funds for road improvements or capital project. Operation cost is funded by other means. President Zirk said unfortunately the Village currently does not have the revenue tax base to fund operating cost for snowplowing, crack filling and catch basin cleaning.

Trustee Garcia asked Finance Director what is the current amount of the MFT reserve fund. Finance Director replied she estimated about \$600,000. Trustee Garcia stated that he wants to ensure that the Village has the resources available when the time comes to resurface the Village roads.

President Zirk stated that the Village needs to develop fiscal discipline and be able to create a capital equipment and road program.

Trustee Erbeck stated that he was here for the last two budgets and he may not have agreed with it. However, it was the lesser of two evils. He stated that the other options were to lay off staff and cut services.

Trustee Zambetti stated the Village needs to come up with other funding mechanisms

President Zirk directed staff to place this matter on the next Agenda.

**An Ordinance amending Village Code Section 10 Penalties, Offenses and Miscellaneous Provisions, by adding Sections 10.24.1.1 Disorderly Premises and Section 10.24.1.2 Declaration of Nuisance**

President Zirk stated this Ordinance would establish "Disorderly Premises Prohibited" as a new nuisance. Parents that allow gang activity on their premises would receive a citation. This Ordinance would be another tool for addressing disturbances, particularly in residential areas, where the cumulative effects of noise and police call impacts the neighborhood. The citation would be issued to the property owner.

There was some discussion from the audience.

Trustee Erbeck stated that when he had sat on the Police Committee he had not heard anything about this concern. Trustee Erbeck asked Village Clerk Meadows to forward the audience participants contact information to his attention. Trustee Erbeck would like to personally meet with them. Attorney Tappendorf will check to see if her firm has a sample Ordinance.

Trustee Clark stated that he does not have a problem with the Ordinance. He just feels the Ordinance is vague and will be hard to enforce.

President Zirk directed staff to place this Ordinance on the next Agenda.

**An Ordinance amending various provisions of the Village of Gilberts Code to adopt the Budget Officer Finance System**

Administrator Keller stated that staff has prepared a draft Ordinance that would transition the Village from an “appropriations” budget system to a “Budget Officer” system, which are both established by state statute. Administrator Keller stated that the Village currently uses the working budget within the constraints of the appropriation format and did not foresee any major changes.

Trustee Clark noted that the “Term” should coincide with the Village Finance Director. Staff will amend the Ordinance accordingly.

President Zirk directed staff to place this Ordinance on the next Consent Agenda.

**A Resolution designating a Budget Officer for the Village of Gilberts**

President Zirk recommended that the Finance Director be designated as the “Budget Officer”.

This Resolution will be placed on the next Consent Agenda.

**A Proclamation proclaiming the week of September 21<sup>st</sup> as Live United Week**

Administrator Keller stated approval of the Proclamation would establish the week of September 21<sup>st</sup> as “Live United” week, which encourages support of the Northwest suburban United Way’s fundraising campaign.

**Staff Reports**

Administrator Keller reported that he has been working on the drainage agreement with Mr. Kannigan.

Engineer Kanthack reported that he will be taking an assignment working with IDOT. Engineer Kanthack proceeded to introduce Engineer William Blecke.

Engineer Blecke reported that he had worked with President Zirk in the past and was looking forward to working with the Village.

Finance Director Blocker reported that she will soon have the Audit final draft for Board review.

### **Board Reports**

Trustee Erbeck asked Interim Police Chief Weiss if any of the communities he worked for previously enforced vehicle sticker on private property. Interim Police Chief Weiss stated they did.

Trustee Garcia asked Village Clerk Meadows to make sure the ball field bases are installed for Saturday's softball game.

Trustee Erbeck suggested the Village borrow the Police Department's rolling sign to advertise Gilberts' Community Days.

President Zirk asked if the County would consider lowering the speed limit in front of the elementary school. Administrator Keller stated that this matter had been addressed in the past.

President Zirk asked if it would be a problem to place the entire Board Packet on the Village web site. Staff will begin placing the entire Board packet on the web site.

**A motion was made by Trustee Clark and seconded by Trustee Erbeck to close a portion of the meeting with no business to follow 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.** Roll call: Vote: 5-ayes (Trustee Clark, Zambetti, Farrell, Garcia and Erbeck). 0-nays, 0-abstained. Motion carried. The Board recess and went into Executive Session at 8:47 p.m. and returned to the public meeting at 9:05 p.m.

**A motion was made by Trustee Clark and seconded by Trustee Erbeck to reconvene the Public Meeting at 9:06 p.m.** Roll call: Vote: 5-ayes (Trustees Zambetti, Farrell, Garcia, Erbeck and Clark). 0-abstained, 0-nays. Motion carried.

**There being no further business to discuss a motion was made by Trustee Erbeck and seconded by Trustee Clark to adjourn the Committee of the Whole Meeting.** President Zirk requested a roll call by voice votes. 5-ayes, 0-nays, 0-abstained. Motion carried. Adjournment time 9:07 p.m.



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Respectfully submitted,  
Debra Meadows

# SIGN IN SHEET

(Please Print)

COTW

08/25/09

| Name                 | Address                           | Telephone #          |
|----------------------|-----------------------------------|----------------------|
| Karen Magistrelli RN | 301 Evergreen Circle, Gilbert, AZ | 847 8151637<br>60136 |
| Don Conroy           | 87 Augusta Dr                     | Gilbert              |
| Sue Corbett          | 87 Augusta Dr.                    | Gilbert              |
| AA Hurley            | 61 Augusta Dr                     | Gilbert              |
| Kelli Hurley         | 61 Augusta Dr.                    | Gilbert              |
| Alissa Reed          | ST Railroad                       | GILBERT              |
| R. Munson            | Gilbert                           | 847-426-3366         |
| Kay Kummerow         | 180 Tyler Creek Street            | UO6                  |
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