

Village of Gilberts
Committee of the Whole
Meeting Minutes
February 23, 2010

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

President Zirk asked Village Clerk Meadows to call the roll. Roll call: Members present: Trustees Erbeck, Clark, Mierisch, Zambetti, Farrell, Garcia and President Zirk. Others present: Administrator Keller, Attorney Tappendorf, Police Chief Williams, Engineer Blecke, Engineer Doscher, Chief Building Inspector Swedberg and Village Clerk Meadows. For members of the audience please see the attached list.

Minutes to be Considered

A motion was made by Trustee Clark and seconded by Trustee Erbeck to place the Village Board Meeting Minutes dated February 16, 2010 on the next Consent Agenda. President Zirk asked if anyone had any comments. Trustee Garcia stated that on page 8 where he asked Attorney Tappendorf about joining the YMCA or the Eagles Club his main concern was if he could still vote on matters concerning them. He asked Village Clerk Meadows to clarify his question.

Trustee Clark amended his motion to place the amended minutes as noted on the next consent Agenda the amended motion was seconded by Trustee Erbeck. Roll call; Vote: 6-ayes: (Trustees Clark, Mierisch, Zambetti, Farrell, Garcia and Erbeck). 0-nays, 0-abstained. Motion carried.

Items for Discussion

Homeowners Associations Summit

President Zirk suggested that prior to opening the discussion the HOA Members introduce themselves.

Administrator Keller reported that representatives from the Homeowners Associations were invited to meet with the Village Board to discuss issues of mutual concern. He stated that Attorney Tappendorf will begin the discussion by providing an overview of the Village's and the HOA's respective levels of responsibility and authority.

Attorney Tappendorf provided the HOA Representatives with an overview of the Village's and HOA's roles and responsibilities. She explained that the HOA's have primary responsibility to enforce the covenants under their jurisdiction and the Village has primary responsibility to enforce its ordinances and other Village regulations.

In certain circumstances, the Village might choose to enforce specific covenants that have community-wide impact, such as proper storm water maintenance activities, but that the Village had no obligation to do so.

Mr. John Peterson, Timber Trails Villas Board Member asked if the Police Department enforces moving violation of their streets (parking, speeding). Chief Williams stated that the Police Department enforces all moving violations on public streets. However, the only moving violations the Police Department is authorized to enforce on private streets would be drunk driving and reckless driving.

Chief Building Inspector Swedberg discussed in length his past experiences with the HOA representatives. Chief Building Inspector Swedberg noted historically the Village has a good working partnership with the Home Owners Associations. However, recently there has been some objections and issues associated with the parking of snow removal equipment within the various neighborhoods. He reported that the Village has offered the use of a secured area in which the equipment could be parked.

Mr. Mark Palmer, Vice President of the Timber Glen's Homeowners Association thanked the Board for being the catalyst and bringing the HOA members together.

Mr. Jon Marinas, President of the Woodland Meadows Homeowners Association inquired if the Village enforces property violations such as long grass and weeds. Attorney Tappendorf stated the Village would issue a citation if the grass was over 8". There was some discussion with the cost of enforcing CCR violations.

Mr. Palmer inquired who is responsible for sidewalk repairs. Attorney Tappendorf reported that it would be the property owner unless the sidewalk is in the right-of-way. She stated some communities have a 50-50 program or a special assessment.

Mr. Palmer inquired about who is responsible for the property between the sidewalk and the street. Attorney Tappendorf stated that typically it is the property owner who is responsible for maintaining the parkway area. Trustee Garcia asked if she was sure about that. Attorney Tappendorf stated that this is typical, but that it could depend on the subdivision records for a particular property. The Village will get back to Mr. Palmer on this question.

There was some discussion with how to handle foreclosed properties. Administrator Keller reported that Attorney Tappendorf and Chief Building Inspector Swedberg had drafted an Ordinance which was passed by the Board that requires bank or other institution to register vacant buildings with the Village.

Ms. Stephanie Korabik, President of the Timber Trails Town House Homeowners Association is looking for assistances with managing the wetlands and beaver control. She went on to report that from her understanding some of the public land was not properly deeded or was filed incorrectly. Village staff is researching this matter.

President Zirk recommended Timber Trails Town House Homeowner Association work with Mr. Palmer and Mr. Kannigan of Phoenix & Associates.

Ms. Laura Nicoline of Caruso Management Group inquired about the proposed development west of Timber Trails. President Zirk reported that the developer has placed their project on hold. However, the Board is aware of concerns with the interconnectivity.

Ms. Nanette Turetgen, President for Timber Trails Unit 4 Homeowners Association expressed concerns with parking on the street. In addition she would like the Village to consider banning the parking of commercial vehicles on Village streets.

Trustee Garcia stated he understood her frustration and directed Police Chief Williams to discuss this matter with Lt. Joswick. He stated that about a year ago Lt. Joswick and the Police Committee had been working on parking options.

Mr. Mike Johnson, Co-Vice President from Timber Trails Unit 7 discussed concerns with overnight parking. He reported that the Village does have an Ordinance on the books that prohibits parking on the streets between the hours of 2:00 am – 6:00 am. However, the Police Department cannot enforce the Ordinance if it is not posted. Trustee Erbeck said the Village will look into this matter. There was a lengthy discussion on enforcing the parking restrictions.

President Zirk recommended the residents start a petition and if a majority of the residents wish to impose a parking band the Board could consider amending the Ordinance.

There was some discussion about requiring residents to purchase parking stickers which allow them to park on the street.

President Zirk suggested that HOA organized and come back with a list of mutual concerns for the Board to review.

Ms. Christy Erbeck, President of the Timber Trails Villas Homeowners Association wanted to ensure that Mr. Peterson's comments were included in the public record. Ms. Erbeck asked if it would be possible to draft an agreement to receive police department services. Administrator Keller reported that they could draft an agreement with the Police Department which would provide for police services. Mr. Johnson believed an agreement had already been drafted. Staff will check their files.

Mr. John Peterson reported that their homeowners association was small and the cost of renting equipment such as jetties is expensive. He asked if the association could use some of the Village's equipment. Attorney Tappendorf stated that could create liability for the Village and if the Village were to allow use of its equipment, she recommended confirming that Village insurance would cover that use and that the users indemnify the Village for any damages or injuries caused by their use. Administrator Keller recommended that the HOA's contract renting that type of equipment together.

There being no further business to discuss the HOA Summit was concluded.

A motion was made by Trustee Erbeck and seconded by Trustee Garcia to take a five minute recess. Roll call: Vote: 6-ayes: Unanimous voice vote. Motion carried. Recess time: 8:47 p.m.

The Board reconvened at 8:55 p.m.

Ordinances/Motions/Resolutions/Agreements for Consideration

Consideration of a Licensing Agreement between the Village of Gilberts and Phoenix and Associates

Administrator Keller reported that for the past several months, staff has been working with Phoenix & Associates, represented by George Kannigan, and on a proposal to establish and sell detention credits at the pond located east and south of East End Drive.

Administrator Keller reported that Mr. Kannigan had two concerns with the agreement. Mr. Kannigan stated that in his opinion section four should include language that requires the developers purchasing the detention credits to comply with the Village's Zoning Code and other applicable regulations. After a lengthy discussion the Board concurred that the compliance language be included.

Mr. Kannigan stated that he is looking for the Board to clarify the intent on page 5 section four. Attorney Tappendorf recommended replacing section four's language with "If the Village, in its sole discretion, determines that a public need or purpose exists that requires both the termination of this License Agreement and the elimination of both the Existing Basin and the Additional Capacity".

Ms. Barb Clayton had several verbal and written questions pertaining to the license agreement. However, staff had provided her with documents that she believes will answer her questions.

Trustee Mierisch questioned page 4 D. "Security" Attorney Tappendorf stated that this is the same policy the Village uses with any developers and is consistent with the subdivision regulations.

Trustee Mierisch questioned page 5 Section 8 "Insurance". She noted the general liability amount had been changed from 3 million to 2 million. Attorney Tappendorf reported that was the amount of coverage that Mr. Kannigan currently carries.

The Board agreed that this matter be placed on the next Consent Agenda. However, if any Trustee has a question the matter could be removed from the Consent Agenda.

Consideration of a work order for Water/Wastewater Transition Oversight assistance with Baxter & Woodman

Administrator Keller reported that the Village may have an opportunity to accelerate the takeover of the water and wastewater facilities from Illinois American Water. Baxter & Woodman has drafted a work order which focuses on pre-takeover activities, with an emphasis on prioritizing critical and/or time-sensitive steps that is needed prior to the Village assuming control from IAW.

Trustee Mierisch expressed concerns with the Board not receiving the actual total cost for all the components required to takeover the water & wastewater operations. Administrator Keller stated he understood Trustee Mierisch's concerns. He noted that there are a lot of components with taking over the water and wastewater operations. He reported that staff could place everything on hold until they have the entire cost. However, Administrator Keller reported that there are some weighty issues and he would like to see if the Board even liked this approach. Administrator Keller stated that some items have a longer lag time and if the Village waits too long it might hurt the Village if they decided to takeover the operations by a certain date. He hopes to have the global cost within two weeks.

Administrator Keller reported by having Ms Doscher talk about some issues that have been discussed at the staff level it would explain why Baxter and Woodman assistance would help the Village takeover the plants.

Trustee Mierisch wanted to be sure that this matter was not going to be placed on the next consent agenda. Administrator Keller stated only if the Board wanted it to be.

Trustee Erbeck agreed with Trustee Mierisch and he wanted to take it one step further. He would like to have a macro budget for the cost of taking over the plants and the water billing. Administrator Keller reported that staff is gathering that information and should have it available in two weeks.

Ms. Doscher provided the Board with an overview of Baxter and Woodman's scope of services.

Trustee Erbeck stated he did not see a start date. However he noted the "not to exceed \$19,500". He asked if that was base on an hourly scale. Trustee Erbeck wondered if it should read based on a sixty day period depending on when they start. Ms. Doscher stated that the agreement can be revised to read whatever the Board was comfortable with. Administrator Keller reported that there were two reasons for the May 1st date. One was that May 1st is the beginning of the new fiscal year and two it was the date used in the letter addressed to Illinois American Water.

President Zirk noted that the Baxter and Woodman's work order is not a time event it is a task event.

Trustee Garcia questioned the scope of service that refers to the "Combined Village and Baxter & Woodman Responsibilities". He noted that there was a lot of detail under that portion of the scope and he would like to see responsibility defined. Administrator Keller stated the combined responsibility was a cost savings measure. Trustee Garcia was not comfortable with the responsibilities not being defined. Chief Building Inspector Swedberg stated that the Village Staff needs to have face time with the vendors and hands on the operations along with Baxter and Woodman so that when the Village takes over the operations staff has the responsibility along with the experience. Chief Building Inspector Swedberg would not want staff to be excluded from the process. Trustee Garcia stated that he did not want staff to be excluded he just wants Baxter and Woodman to be held responsible until Village Staff is comfortable. Trustee Erbeck believe this is just a language issue.

President Zirk clarified scope of service. He stated that the during the first phase of the transition period Illinois American Water would still be responsible for the operations of the plants. Baxter and Woodman would be assisting the Village in verifying the status of the equipment. In addition, helping the staff know what supplies are needed. Trustee Garcia then recognized the intent of the scope.

Trustee Garcia asked if the Village needed to go through the bidding process. Administrator Keller reported no because this is a professional service.

President Zirk noted that this step is a benchmark by moving forward the Village is signaling a commitment and sending a message to Illinois American Water. Administrator Keller stated that even if the whole thing fell through and the take over did not happen until 2011 the work would have to be done anyway. By doing it now while the building is slow staff is available to assist in the takeover.

Trustee Clark would like to see as part of phase I and Baxter and Woodman's responsibility include the creation of an operating manual. In addition, as part of phase II he would like to see a long term equipment replacement and repair plan. Engineer Doscher stated she could draft an Operating and Maintenance Manual however some manuals have cost up to \$60,000.00.

Trustee Clark recommended Baxter and Woodman during the inventory process research known problems. An example is the low flow to the north and the effects that has on the Village. The other concern is located between the Barancik Lift Station and the plant. There have been long term maintenance issues. In addition, what is the size of the pipe and the capacity?

The Board had no further comments. This matter will be placed on the next Consent Agenda.

Consideration of a Compliance and Settlement Agreement with Colorvision Services Inc.
There was some discussion about compliance issues and the fees that had been paid. This matter will be placed on the next Consent Agenda.

Staff Reports

Administrator Keller respectfully requested an Executive Session to discuss litigation, collective bargaining and personnel matters.

Executive Session

A motion was made by Trustee Erbeck and seconded by Trustee Clark to close a portion of the meeting to the public, effective immediately with no business to follow as permitted by 5 ILCS 120/2 (c) (11) to discuss litigation against, affecting the Village which has been filed and is pending or is probable and as permitted by 5ILCS 120/2 (c) (2) Collective negotiating matters, 5ILCS 120/2 (c) (1) to discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the Village. Roll call: Vote: 6-ayes: (Trustees Zambetti, Farrell, Garcia, Erbeck, Clark and Mierisch. 0-nays, 0-abstained. Motion carried.

The Board Members along with Administrator Keller, Police Chief Williams, Attorney Tappendorf and Village Clerk Meadows went into Executive Session at 10:03 p.m. and returned to the public meeting at 10:26 p.m.

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Adjournment

There being no further business to discuss, **a motion was made by Trustee Clark and seconded by Trustee Erbeck to adjourn from the public meeting.** Roll call: Vote: 6-ayes: Unanimous voice vote. Motion carried.

Respectfully submitted,

Debra Meadows

SIGN IN SHEET
(Please Print)

COTW
2/23/2010

Name	Address	Telephone #
Julie Corbett	81 Augusta Gilberts	847 2148167
Tom WATDA	485 Kildare	224-639-1351
Mike Curran	921 Tipperary St	847-687-6930
Rick REIGNER	500 N. McLEON Blvd 1000 N. McLEON Blvd	847-888-7410
Sabrina Hirschfeld	YMCA	847-888-7410
MIKE MARADSKI	ASSURANCE PROPERTY MANAGEMENT	(847)241-2308
Anthony Malone	ESF Consultants Ltd	630 420-1700
George & Connie KANASIN	94 RAILROAD ST GILBERTS	847/836-1090
Stefanie Korabik	190 Loveland Ct Gilberts	847-741-65204
Colly Stoddard	90 John M. Boor Dr. Gilberts	847 608-1889
Greg Sparks	37 Augusta Dr Gilberts	847-532-3407
Nanette Turetzog	303 Evergreen Circle, Gilberts	847-888-2344
Linda Bausel	571 Running Doe	847-844-1584