

Village of Gilberts  
Village Board  
Meeting Minutes  
September 1, 2009  
7:00 p.m.

APPROVED MINUTES

**ORDER OF BUSINESS**

**Call to Order/Pledge of Allegiance**

President Zirk called the meeting to order at 7:00 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: Trustees Erbeck, Mierisch, Zambetti, Farrell, Garcia and President Zirk. 1-Absent: Trustee Clark. Others present: Administrator Keller, Attorney Diamond, Engineer Blecke, Chief Building Inspector Swedberg, Interim Police Chief Weiss, Finance Director Blocker and Acting Village Clerk Meadows. For members of the public see the attached list.

**Public Comment and Discussion**

President Zirk asked if anyone in the audience would like to comment.

Ms. Kay Kummerow who resides at 180 Tyler Creek approached the Board. Ms Kummerow thanked the Board Members for placing the Board packet documentation on their web site. Ms. Kummerow stated that she was pleased to have served on the Plan Commission for ten years and is very sorry that she was not re-appointed.

Ms. Dora Asmussen stated she is questioning the Minutes of May 21, June 9, June 23 and June 6<sup>th</sup>.

Ms. Asmussen went on to ask why the Village did not go out for competitive bids for the Hennessy Bridge reconstruction project. The Board responded that the repairs were an emergency.

Ms. Asmussen asked if the Board had received copies of the Baxter and Woodman Water and Wastewater Operation Transition Report and a timeline for the transition. The Board Members responded no not as of yet.

Ms. Asmussen asked who was K&L Gates. The Board responded one of the Village's Attorneys.

Ms. Asmussen asked if the Ancel and Glink (Village Attorney) had conducted FOIA training with the staff. Village Clerk Meadows reported that last week she had hosted a regional clerks meeting and training was provided at that time.

Village Board  
Meeting Minutes  
September 1, 2009  
Page 2

Ms. Asmussen asked why not correct a resident who recently complained about various Ordinance violations and inform the resident that the Police Department does not enforce property maintenance issues.

Ms. Asmussen asked if the Village had reached agreements with several Business Owners. Trustee Erbeck stated that the matters are still ongoing.

The Village Board Members encouraged Ms. Asmussen to contact them personally to discuss any questions that she might have.

There was some discussion with respect to the process of the upcoming Plan Commission Public Hearing for the Tyler Creek Properties.

Mr. Adrian Bielat who resides at 405 Columbia reported that he was concerned with the parking on both sides of the street on Columbia Lane over the weekend. He went on to say that is was a safety concern. Cars were parked on both sides of the street and an emergency vehicle would not have been able to get down the street. In addition, pedestrians were trespassing on his property.

Mr. Bielat also reported that one of the athletic associations is conducting drills on the privately owned berms.

Mr. Bielat asked if the Village would consider placing more foliage on the berms to protect the surrounding properties. However, the Village does not own the berms it would be the Home Owners Association that owns the property in question.

Mr. Bielat would like to have a copy of the Gilberts Town Center Annexation Agreement. Staff stated they would be happy to supply Mr. Bielat with a copy of the agreement. There was a lengthy discussion about the annexation process.

Kelli Hurley who resides at 61 Augusta stated that with respect to the proposed Tyler Creek development she does want the Board to remember the burden it might impose on the school district. President Zirk has spoken with Principal King about the proposed development.

Ms. Kim Curran who resides at 921 Tipperary (President of the GYFCA) wants to apologize for the inconvenience with the parking situation on Columbia Lane last weekend.

She went on to say that it was GYFCA's opening day and the YMCA also had events along with the Gilberts Community Days. However, the GYFCA will only have three home games scheduled this season.

Ms. Curran reported that Ryland has offered to construct a temporary parking lot. However, she can not recall the person that she spoke with at Ryland.

Ms. Curran also reported that the GYFCA would like to erect a scoreboard. They would like to see if maybe someone like Ryland would be interested in donating a scoreboard.

Trustee Mierisch stated she is very uncomfortable with that; it could be construed as a conflict of interest for the Village.

Ms. Curran stated with respect to the parking concern on Columbia Lane they had contacted the Police Department. However they refused to provide assistance.

President Zirk stated in all fairness the event planners should have made arrangements ahead of time.

Staff will ensure they have all of the athletic groups' schedules and will coordinate with other department.

**A motion was made by Trustee Erbeck and seconded by Trustee Farrell to approve the Consent Agenda as follows:**

- a. **A Motion to approve the Committee of the Whole Meeting Minutes of 08/11/09**
- b. **A Motion to approve the Village Board Meeting Minutes of 08/18/09**
- c. **A Motion to approve Ordinance 09-11, an Ordinance amending various provisions of the Village of Gilberts Code to adopt the Budget Officer Finance System**
- d. **A Motion to approve a Resolution 09-10R, a Resolution designating a Budget Officer for the Village of Gilberts**
- e. **A Motion to approve a Proclamation proclaiming the week of September 21<sup>st</sup> as Live United Week**

No discussion followed. Roll call: Vote: 5-ayes (Trustee Mierisch, Zambetti, Farrell, Garcia and Erbeck) 0-nays: 0-abstained. Motion carried.

**A Motion was made Trustee Erbeck and seconded by Trustee Zambetti to approve Bills and Salaries dated September 1, 2009 as follows: General Fund \$38,847.02, Permit Pass Thrus \$61,012.56, Performance Bonds and Escrows \$2,264.87, Water Fund \$12,901.17, Payroll \$53,986.70 for a Grand Total \$169,025.62.**

President Zirk asked if there was any discussion.

Trustee Garcia asked what the invoices were for K&L Gates. Finance Director Blocker stated that was the July invoices.

Trustee Mierisch asked who Sikich LLP was. Finance Blocker reported that they were the auditors.

There being no further discussion. President Zirk asked Village Clerk Meadows to call the roll. Roll call: Vote: 5-ayes (Trustee Farrell, Garcia, Erbeck, Mierisch and Zambetti). 0-nays, 0-abstained. Motion carried.

**A motion was made by Trustee Erbeck and seconded by Trustee Zambetti to approve Ordinance 09-12, an Ordinance amending Village Codes 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 asked if there was any discussion.

For the record President Zirk read an excerpt from Trustee Clark's memo which discussed this matter as follows:

"I don't know that this is the way to accomplish an end result. I would support it although the language is almost meaningless it is a start, and we will have to see how it evolves. I would recommend that this get reviewed every year as this is the type of Ordinance that gets forgotten about and then reinterpreted by future Boards and for some reason always causes problems".

Trustee Zambetti noted that the Ordinance would apply to businesses and residential properties.

Trustee Garcia noted that there is a grandfather issue here. In the past there has been some concern with the athletic field at the Eagles Club. Trustee Mierisch stated that the concerns were brought by a resident which happen to be her husband.

Attorney Diamond stated that the Board could make the Ordinance only apply to residential and the Ordinance is enforceable. He went on to say it is used in other communities.

Trustee Mierisch felt that if the Ordinance did not apply to businesses that the Board would be doing a disservice to the residents.

President Zirk stated the purpose of the Ordinance was to make property owners responsible for inappropriate activity on their property and repeated Police calls.

**A motion was made by Trustee Erbeck and seconded by Trustee Zambetti to rescind the motion to approve Ordinance 09-12 as written.** Roll call: Vote: 4-ayes (Trustee Garcia, Erbeck, Farrell and President Zirk) 2-nays: (Trustee Mierisch and Zambetti). 0-abstained. Motion carried.

**A motion was made by Trustee Erbeck and seconded by Trustee Zambetti to approve Ordinance 09-12 with the following amendments on the third "WHEREAS" last line should read Residential properties within the Village. Section 1 first paragraph should read residential property. Section 2 lines one every residential property.** Roll call: Vote: 4-ayes (Trustee Erbeck, Farrell, Garcia and President Zirk), 2-nays: (Trustee Mierisch and Zambetti) 0-abstained. Motion carried.

**A motion was made by Trustee Erbeck and seconded by Trustee Zambetti to approve Resolution 09-11R, a Resolution to accept Gilberts Town Center Unit 1A.** Roll call: Vote: 5-ayes (Trustee Mierisch, Zambetti, Farrell, Garcia and Erbeck). 0-nays, 0-abstained. Motion carried.

**A motion was made by Trustee Erbeck and seconded by Trustee Zambetti to approve a Resolution 09-12R, a Resolution for Maintenance of Streets and Highways by the Illinois Highway Code.**

President Zirk stated at this time he would like to read an excerpt from Trustee Clark's memo. "Although common practice and our budget is made around such transfers. I think we should only allocate half of the 45K and look to cut the budget by another 40.K. I doubt I am in the majority with this concept, but I think we need to do it".

Trustee Garcia endorsed the idea. He feels that the Village Board needs to tighten their belts.

Trustee Garcia noted that the salt bin is filled to capacity. Administrator Keller reminded him that this is due to the Village purchasing salt at last year's prices. Finance Director Blocker stated that the Village has committed to a salt purchase with the State for this fiscal year and will have to purchase at least 80% of the salt that they have committed to purchase.

Trustee Erbeck agrees with Trustee Garcia with respect to the use of MFT funds.

Administrator Keller reported that the Village has limited Public Works overtime hours. However, the snow typically falls after hours and for long periods of time. Administrator Keller suggested looking at not allocating MFT Funds during the next budget cycle.

There being no further discussion President Zirk asked Village Clerk Meadows to call the roll. Roll call: Vote: 4-ayes (Trustees Zambetti, Farrell, Erbeck, and Mierisch). 1-nay-Trustee Garcia. 0-abstained. Motion carried.

Engineer Blecke reported that he is not convinced that Illinois American Waters water loss calculations are correct. He would like to complete the Water Master Plan prior to recommending the Village proceed with a Leak Detection Survey. The completion of the Water Master Plan will assist him in confirming that the Illinois American Water's water loss calculations are correct.

However, he has spoken with a firm M.E. Simpson who also perform Leak Detection Survey. MES charges a flat rate and they estimated the cost for the survey would be \$ 2,900.

**A motion was made by Trustee Erbeck and seconded by Trustee Zambetti to table the authorization of a contractor to conduct a Leak Detection and Location Survey of the Village's Water Distribution System.** Roll call: Vote: 5-ayes (Trustees Farrell, Garcia, Erbeck, Mierisch and Zambetti). 0-nays, 0-abstained. Motion carried.

### **Staff Reports**

Chief Building Inspector Swedberg reported that crack filling had been delayed due to the fact that the equipment the Village borrows is currently disabled.

Chief Building Inspector Swedberg also reported that there are still concerns with people parking on the grass in the Town Center Park. Trustee Erbeck recommended installing the green snow fence on the area in question. In addition, Chief Building Inspector Swedberg will have "No Parking" signs installed.

### **Board Reports**

Trustee Erbeck reported that there is an area of grass east of the football fields' end zone that has not been mowed. Chief Building Inspector stated he will ensure that area is mowed.

In addition, Trustee Erbeck requested that more garbage cans be made available in the park.

Trustee Garcia directed Chief Building Inspector Swedberg to have the Public Works employees be neater when doing the crack filling.

Trustee Erbeck reported that he had recently had a discussion with Lieutenant Block with respect to Health and Safety Checks that the Police Department performs. Trustee Erbeck is wondering if there is a way to encourage the officers meet a quota each shift. Trustee Erbeck noted that this is a positive community service.

Interim Chief Weiss stated that they currently do not track that activity. In addition, Interim Chief Weiss thought this would be difficult to implement.

Interim Police Chief Wiess stated he recently meet with Village Clerk Meadows to get her opinion on the best way to mail the survey to the residents.

Trustee Garcia stated that he did not agree with sending out a survey.

Interim Chief Weiss stated that he thought is was part of his responsibility to evaluate the Police Department and the survey would serve as a valuable tool.

Trustee Garcia stated that if the survey would aid Interim Chief Wiess in evaluating the Police Department then he is in favor of it.

Trustee Erbeck said many community use surveys to evaluate the Police Departments. Some even do follow-up calls with residents they recently came in contact with.

Trustee Garcia reported that while he was meeting with an Officer, the Officer could not communicate on his radio until he moved from that area. Interim Chief Weiss stated that happens with all radio system there is dead zones.

Trustee Garcia stated that it is noted on the back of the Agenda that the Board does not need to engage in public comments. However, with all that has been going on recently Trustee Garcia really appreciates that the Board is engaging and that the Board is open. Trustee Garcia went on to say the Board is trying to answer the issues and concerns that residents may have. The Board has not done that in the past. The past boards encouraged members to be quiet and not to say anything and try to shy away. Trustee Garcia went on to say he appreciates that the Board Members are engaging and trying to answer questions that residents have. Trustee Garcia stated if this is now the Board's position he believe they should continue to do so. Trustee Garcia applauded the Board for doing that.

Trustee Garcia reported that the softball game went well. They had about 30 people playing with many other people watching the games from the side lines. Trustee Garcia reported that the teams consisted of residents from Gilberts Town Center and Timber Trails and that Timber Trails won.

Trustee Garcia thanked Acting Village Clerk Meadows and the Committee Members for all their hard work on the Community Days Event. Trustee Garcia noted that the feedback he received was that the event was really great. Trustee Garcia noted that although it was small people had an opportunity to get to know each other.

Trustee Farrell also thanked Acting Village Clerk Meadows and the Committee for organizing the event. She realized it was a real effort and the event was really very nice.

Trustee Garcia stated he would like to enter into Executive Session after the Board Reports are finished.

Trustee Garcia informed Village Clerk Meadows that he does not need the Committee of the Whole packet documentation copied again for the Village Board Packets. Clerk Meadows acknowledged Trustee Garcia's request. Trustee Zambetti agrees. However he does not want to hear any excuses why someone does not have the documents at the Village Board Meetings.

Trustee Zambetti thanked Village Clerk Meadows for organizing Gilberts' Community Days.

Trustee Mierisch thanked everyone for the cards and support during her family's recent tragedy.

Trustee Mierisch reported that she recently attended the Emergency Planning meeting. They conducted a presentation on the H1N1 situation. Trustee Mierisch asked the Board if they would like Chris Hoff, Emergency Response Coordinator for the Kane County Health Department to provide the Board with a presentation on the H1N1 situation. The Board agreed that they would be interested in hearing the presentation.

Trustee Erbeck stated at this time he would like to read an excerpt from Trustee Clark's Memo with respect to vehicle sticker enforcement. "If we can't issue a citation for an expired license plate to a vehicle parked on private property we shouldn't be able to issue a citation for lack of vehicle stickers. I realize this isn't exactly apples to apples but its pretty close. I think driveways and private parking lots should be entitled to the same privacy as garages for this issue."



Trustee Mierisch stated that Chief Weiss had provided a memo addressing this subject. Other communities do enforce vehicle stickers on private property.

Trustee Erbeck noted that there are only two communities that even require vehicle stickers.

Attorney Diamond stated that the Village does have the right to issue citations to residents that own vehicles which are parked on private property and who are not displaying a vehicle sticker. However, the Village might want to consider mailing the citation instead of going on to private property to cite the vehicle.

President Zirk stated in order to solve this issue the best method would be to get rid of the requirement to purchase vehicle stickers.

Trustee Erbeck stated currently the Village does have an Ordinance in place and the Board needs to provide the staff with direction.

President Zirk stated that currently the Police Department does enforce the Ordinance on private property. He does not agree with enforcement on private property. However, President Zirk did not hear from a majority of the Board to change the current direction.

Trustee Erbeck asked Chief Weiss if the officers are actively looking for violations on private property.

Chief Weiss stated no they don't actively enforce vehicle stickers on private property. However, if an officer was to see a violation, he would issue a citation.

He believes this issue came up because while officers were doing safety checks (checking businesses and vehicles to be sure they were locked) they noted some vehicles without stickers. The Police Department does not make an effort to check private residential property. They handle that by setting up the road blocks.

Trustee Erbeck asked how many road blocks have the Police Department conducted. Chief Weiss stated three in the last weeks.

Trustee Erbeck asked where the road blocks were conducted. Chief Weiss stated the road blocks were conducted at various entrances through out the Village. Trustee Erbeck noted that there are six subdivisions. Chief Weiss stated they will continue to conduct the road blocks.

Village Board  
Meeting Minutes  
September 1, 2009  
Page 10

President Zirk reported on Gilberts' Community Days. He thought the event went quite well.

President Zirk reported on the status of the lawsuits with Plote, Manhard and Lake County Grading. All the lawsuits have been released. President Zirk reported that CBI did not sue the Village. However, it is his belief the Village should do the honorable thing and support CBI.

President Zirk reported that today he had received notice from the Bankruptcy Court that Neumann Homes has a hearing scheduled on September 23rd, at 10:00 a.m. at the Dirksen Courthouse with respect to joint chapter 11 plans of liquidation and related matters. Todd Pentecost is reviewing this matter.

President Zirk reported on the status of various Village drainage improvements.

President Zirk asked Chief Building Inspector Swedberg to include Sola Drive in the culvert maintenance program. Chief Building Inspector Swedberg stated he would.

**A motion was made by Trustee Erbeck and seconded by Trustee Zambetti 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.** Roll call: Vote: 5-ayes: (Trustees Garcia, Erbeck, Mierisch, Zambetti and Farrell) 0-nays, 0-abstained. Motion carried. The Board recess and went into Executive Session at 10:14 p.m. and returned to the public meeting at 11:16 p.m.

**A motion was made Trustee Garcia and seconded by Trustee Erbeck to reconvene the Public Meeting at 11:17 p.m.** Roll call: Vote: 5-ayes (Trustees Erbeck, Mierisch, Zambetti, Farrell and Garcia). 0-nays, 0-abstained. Motion carried.

**There being no further business to discuss a motion was made by Trustee Erbeck and seconded by Trustee Zambetti to adjourn the Village Board Meeting.** President Zirk requested a roll call by voice vote. 5-ayes, 0-nays, 0-abstained. Motion carried. Adjournment time 11:18 p.m.

Respectfully submitted,

Debra Meadows

**SIGN IN SHEET**  
(Please Print)

V B M

Sept. 1, 2009

Name	Address	Telephone #
Linda Baurd	571 Running Deer	
Dorene Alfello	107 Eastern Dr.	
Gordon Muehlen	107 Eastern	
Kay Kummerow	80 Tyler Creek St.	847-426-3366
Sue Corbett	81 Augusta	847-214 8167
Dan Corbett	81 Augusta	847-214 8167
ART HURLEY	61 AUGUSTA	847 717 0134
KELLI HURLEY	" "	"
Alyssa Rood	51 Raileoad	
William	Kathleen Gabris	
David Alice	146 Charleston	
Damon Frugoli	147 CHARLESTON Ln.	
DAVID STOECKLEN	903 TIPPERARY	



9/1/09 Records

# Village of Gilberts

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## MEMO

To: Village Board  
From: Everett M. Clark Jr.

Date: 09/01/09

All does not go well for me in Indiana, I'm not sure if I will make it back in time for the Board meeting tonight.

I believe that I might be on the minority of a couple of issues but I would like to weigh in on them anyway.

**Item 6a on the agenda – Nuisance Ordinance.** I don't know that this is the way to accomplish an end result. I would support it although the language is almost meaningless it is a start, and we will have to see how it evolves. I would recommend that this get reviewed every year as this is the type of ordinance that gets forgotten about and then reinterpreted by future boards and for some reason always causes problems.

**Item 6c on the agenda - MFT money for operating expenses.** Although common practice and our budget is made around such transfers, I think we should only allocate half of the 45K and look to cut the budget by another 40.0K. I doubt I am in the majority with this concept, but I think we need to do it.

**Item 6d on the agenda – Leak Detection.** I have very little confidence in IAW numbers and would prefer to evaluate those numbers and other options before doing the leak detection now.

**The ticketing of vehicle sticker violators on private property.** If we can't issue a citation for an expired license plate to a vehicle on parked on private property we shouldn't be able to issue a citation for lack of vehicle stickers. I realize this isn't exactly apples to apples but its pretty close. I think driveways and private parking lots should be entitled to the same privacy as garages for this issue.

Hopefully I will make the meeting and this will be a mute memo. Thanks for listening.