

Village of Gilberts  
87 Galligan Road  
Gilberts Illinois 60136  
Village Board of Trustee  
Meeting Minutes  
May 10, 2011

APPROVED MINUTES

**Call to Order/Pledge of Allegiance**

President Zirk called the meeting to order at 7:01 p.m. He proceeded to lead those present in the Pledge of Allegiance.

**Roll call/Establish Quorum**

President Zirk asked Clerk Meadows to call the roll. Roll call: Members present: Trustees Corbett, Clark, Mierisch, Zambetti, Farrell, Hacker and President Zirk. Others present: Administrator Keller, Engineer Stefan, Finance Director Blocker, Assistant to the Village Administrator Beith, Chief of Police Williams, Chief Building Inspector Swedberg and Village Clerk Meadows. For members of the audience please see the attached list.

**Items for Discussion**

**Minutes from the May 3, 2011 Village Board Meeting**

President Zirk asked if there were any questions on the minutes from the May 3, 2011 Board Meeting. There were no questions. The minutes will be placed on the next consent agenda.

**April 2011 Treasurer's Report**

President Zirk asked if there were any questions on the April 2011 Treasurer's Report. There were no questions. The April 2011 Treasurer's Report will be placed on the next consent agenda.

**Ordinance 10-2011, an Ordinance adopting an Identity Protection Policy**

Administrator Keller reported that Illinois State Statute requires all local governments to enact a policy that severely restricts the use or disclosure of individuals' social security numbers. The policy states that the Village will only use social security numbers in investigations, contracts, debt collections, or internal identifications such as employee background checks. The Village will redact any social security number appearing in a document subject to the Freedom of Information Act.

President Zirk asked if there were any comments on the policy. There were no comments. This policy will be placed on the next consent agenda.

**Ordinance 11-2011, an Ordinance amending section 8.7 "Refuse Collection and Disposal" and Section 14 Concerning fees.**

Administrator Keller reported that this Ordinance was a housekeeping measure. The recently passed Ordinance amending section 8.7 "Refuse Collection and Disposal" inadvertently omitted language authorizing a 10% discount for seniors and 10% late fee. This matter will be placed on the next consent agenda.

**Ordinance 12-2011, an Ordinance approving or denying a Variance Request for the Property Commonly Known as 15N288 Tyrrell Road, Gilberts Illinois**

Administrator Keller discussed the recent variance request petition submitted on behalf of Maria Ramos and Jesus Alvarado to allow them to keep an existing nonconforming house as a guest house after the construction of a new primary residence on their property at 15N288 Tyrrell Road. The petitioners are the owners of the 5.42 acre property located south of the Eagles Club and west of Gilberts Glen subdivision. The property is zoned A-1 Agricultural and had previously been used as a residence, but is currently unoccupied. The property is nonconforming, as it was occupied for residential use in the A-1 zoning district but is less than 15 acres in size.

Administrator Keller went on to discuss the variances the Village would need to grant if they were to allow the petitioner to keep the existing house as a "guest house" as defined by the Zoning Code as follows:

- Section 3.3 requires that an accessory use be built after the principal structure. In this particular case, keeping the existing house would result in the accessory structure preceding the establishment of the principal use.
- Section 5.5 "Accessory Uses" permits "guest house", "not to exceed 800 square feet in floor area" and "shall have no kitchen facilities." Variances are required because the existing house, which will become the guest house, exceeds the maximum guest house size by 37 square feet and includes a kitchen.
- Section 5.6 "Site and Structure Provisions" requires that an A-1 zoned lot be a minimum of 15 acres to allow residential uses. The existing structure is legal nonconforming (i.e. "grandfathered"), as the property is less than 15 acres in size and the existing structure predates the Village's Zoning Ordinance. However, if a new structure were to be built, the property would lose its legal nonconforming status and would be required to conform to the Code requirements. As a result, the property couldn't be used as a residence (or a guest house accessory use) unless a variance was granted allowing the uses on a smaller lot.

Administrator Keller reported the Zoning Board of Appeals denied their request by a vote of 4-1.

Attorney Bud Homburg along with Ms. Ramos and Mr. Alvarado approached the Board. Attorney Homburg stated that his client had meet with the Eagles and surrounding neighbors and they were in support of the proposed guest and future home. For the record Attorney Homburg provided the Village Clerk with a copy of a support petition. Attorney Homburg went on to comment on the concern with the conforming additional 37 –square feet. He stated that the 37 square feet is the size of a small closet.

President Zirk asked if the petitioners had considered demolishing the old home and just building the new home. Ms. Ramos reported that they had made significant improvement to the smaller home and considered it an investment. However, they have a family of seven and require a larger home.

President Zirk asked if they have any plans for the proposed new home. Ms. Ramos replied no.

Trustee Corbett inquired why the petitioners did not simply ask the Plan Commission to re-zone the property.

Trustee Clark reported that the property in question was a forced annexation and brought into the Village during the Eagles annexation. Trustee Clark stated that he had no concern with the 37 square foot overage. However he did have concerns with the kitchen and with the future potential use of the residence.

There was some discussion with respect to rental property and occupancy enforcement issues.

Trustee Mierisch noted that there was new information being introduced this evening. An example was the concession of removing the kitchen.

Trustee Mierisch discussed her concerns. She noted that Chief Building Inspector Swedberg had identified 25 building code violations. She was concerned with the monetary cost in bringing the home into compliance. Ms. Ramos stated that some of the code violations were minor and carried a very minimal cost to repair.

Trustee Mierisch commented on the fact that the home had septic and well issues and electrical problems and at this time was uninhabitable. Ms. Ramos replied that the septic repairs had been made.

Trustee Mierisch stated that she was in attendance at the Zoning Board of Appeals Public Hearing and she has heard conflicting comments. She noted at the Zoning Board of Appeals Public Hearing Ms. Ramos stated that the new home would be built within 5 to 7 years and tonight Ms. Ramos stated the home would be built within 2-3 years.

Trustee Mierisch asked about the violations concerning the vehicles parked on the grass. Ms. Ramos reported that they had been removed.

Trustee Zambetti concurred with Trustee Clark. He also had concerns with the future use of the proposed guest house.

Trustee Farrell expressed her concerns with the 25 building code violations. In addition, she was concerned that there was no construction time-line or plan for the new home.

Trustee Hacker asked if Ms. Ramos intended to live in the guest house once the main home was built or would they be renting it out. Ms. Ramos replied that the guest house would be for personal use.

A lengthy discussion ensued with the question of why now? The Board wondered why the petitioners were requesting the variances now when the construction of the new home is several years away.

Trustee Zambetti was not in favor of granting the variances. In his opinion the property should have one single family home.

Trustee Farrell stated that she also was struggling with the variance request. She was concerned with the future potential use of the property.

Trustee Clark commented on the fact that what if the Ramos site plan for the new home was not approved after the variances had been granted. He also expressed concerns for future Boards understanding the intent of this Board if they were to approve the variance request.

Ms. Ramos stated that their intent is to build a nice custom home. She asked the Board to consider the property's alternatives. Ms. Ramos discussed the improvement that they have already made to the property.

President Zirk directed staff to draft an Ordinance consistent with the Zoning Board of Appeals decision. This matter will be considered at the next Village Board Meeting.

**Resolution 21-2011, a Resolution authorizing the purchase agreement between the Village of Gilberts and Landmark Ford, Springfield, Illinois for two 2011 Ford Crown Victoria Squad Cars.**

Administrator Keller reported that the purchase of the two squad cars was included in the FY-2012 budget, with one vehicle being funded by a carry-over from the FY-2011 budget and the second funded through the Police Department's operational budget.

The two new vehicles would replace G-9 and G-8 both of which have over 132,000 miles. G-8 will be used by the Public Works Department, primarily by the Utilities Superintendent for trips not requiring one of the less fuel efficient trucks and G-9 will be used as part or scrapped whichever is most cost efficient.

The Board concurred to place this Resolution on the next consent agenda.

**Resolution 22-2011, a Resolution authorizing an agreement between the Village of Gilberts and Baxter & Woodman to provide professional services assisting in the drafting of the Unified Development Code**

Administrator Keller reported that this resolution would authorize an agreement with Baxter & Woodman to assist with the development of a new zoning code. While the UDO development will be primarily developed by the Village Attorney and Staff, the Village Engineers' assistance with updating the engineering-related regulations will be needed to complete the project.

Trustee Clark inquired if the new code would be available on the Village website in a searchable format. Administrator Keller replied that the code would be in a word format and managed in house by staff unlike the new Village Code.

There was some discussion on the format of the new UDO.

Trustee Mierisch questioned the basis for going with "professional services" agreement with Baxter & Woodman instead of bidding them out. Administrator Keller responded by referring to state statute that allows municipalities to work directly with their engineering firms without having to bid the projects out separately. Furthermore, if the Village did solicit proposals, the Professional Services Selection Act requires qualifications-based criteria, prior to negotiating price.

Trustee Mierisch just did not want to see the Village place all their eggs in one basket. Trustee Clark felt that Baxter & Woodman had knowledge of the Village's history. Trustee Mierisch agreed on Baxter & Woodman assisting on the UDO.

A discussion ensued on how to ensure the Village had the most knowable consultants.

**Resolution 23-2011, a Resolution authorizing an agreement between the Village of Gilberts and Ancel & Glink to provide professional services assisting in drafting of the Unified Development Code**

This matter was discussed during the discussion of Resolution 22-2011. Both matters will be placed on the next consent agenda.

**Resolution 24-2011, A Resolution authorizing an agreement between the Village of Gilberts and Baxter & Woodman to provide professional services for designing, permitting and construction of Gilberts Glen Storm Sewer Replacement and Detention Pond Restoration and Binnie Road Drainage Improvements**

Trustee Mierisch asked if the Village had been granted easement access. Mr. Kannigan stated that he had spoken to many of the residents. However, he was just waiting on the Village to provide him with easement access language.

There was some discussion with respect to the areas sinkholes.

The Board Members recommended prior to the start of the project the Village hold an open house to inform the residents of the improvements. Mr. Kannigan recommended holding the open house on a Saturday.

Trustee Clark recommended staff reexamine Ordinance 06-2011.

Trustee Hacker inquired if the design-build approach had been utilized in the past. Administrator Keller could not recall if the Village had used the design-build approach in the past. Engineer Stefan replied he did not believe so. However many communities use this approach. Due to the fact it is the most cost effective approach.

Trustee Hacker stated that he had the upmost confidence in Phoenix & Associates. His question was more to do with procedures. He wants to be sure the Board is not stepping out of bounds. Administrator Keller replied that a design-build approach is perfectly legal through a professional services agreement with our engineers and a perfectly normal procedure.

**Resolution 25-2011, a Resolution authorizing an agreement between the Village of Gilberts and Baxter & Woodman to design and reconstruction of Binnie Road**

Administrator Keller discussed the authorization of the proposed Resolution. He reported that if approved Baxter & Woodman would begin the design, permit and administer the bidding process for the reconstruction of approximately 700 lineal feet of Binnie Road. In conjunction with the restoration of the up-and downstream drainage system, this project would result in the raising of the road elevations at its low point, which has historically flooded during storm events.

Administrator Keller asked if the Board was interested in staff getting bids to complete an overlay of an 1800' section of Binnie Road which is not included in scope of work under consideration. The Board Members were in favor of getting bids for the proposed overlay project. Administrator Keller stated this project could be funded by MFT funds.

This matter will be placed on the next consent agenda.

**Resolution 26-2011, a Resolution authorizing an agreement between the Village of Gilberts and Baxter & Woodman to design and reconstruct the Roads referenced in the Road Program.**

Engineer Lou Haussmann provided the Board Members with an overview of the road program. A lengthy discussion ensued with respect to the road construction timeline. The Board Members would prefer to see the construction completed this year.

This matter will be placed on the next consent agenda.

**Resolution 27-2011, a Resolution authorizing an agreement between the Village of Gilberts and Baxter & Woodman to design a SCADA system.**

Technical Advisor, Chris Sosnowski provided the Board Members with an overview of the SCADA System.

Trustee Mierisch asked if staff had documented how many times issues have arisen and whether the remote access would have been beneficial and cost effective. Administrator Keller stated that it would be hard to estimate due to the fact the Village has not had any type of remote access in the past.

Trustee Mierisch asked if staff training was included in the proposal. Engineer replied yes.

This matter will be placed on the next consent agenda.

**Ground Signs for Higgins Road**

Administrator Keller discussed a recent request for a deviation from the sign code. Mr. Lazar had submitted a sign design that included side columns which are currently not allowed. The Board Members approved of the proposed monument sign. Administrator Keller will draft an Ordinance amending the sign code. This matter will be placed on the next agenda for consideration. In addition, staff will research what the cost would be to revise the two Higgins Road monument signs.

**President's Report**

President Zirk asked if staff knew of the original cost of the sewer cleanout for the building that Cruisin' is in. Administrator Keller will have to check.

President Zirk reported he had a copy of the Village of Huntley's historical book. He commented on the fact that the author of the book has been commissioned by Mr. Oury to publish the Village of Gilberts history. He will leave the book with Village Clerk Meadows if anyone is interested in reading it.

**Adjournment**

There being no further business to discuss, **a motion was made by Trustee Clark and seconded by Trustee Zambetti to adjourn from the public meeting at 10:11 p.m.** Roll call: Vote: 6-ayes by unanimous voice vote.

Respectfully submitted,

Debra Meadows





Exhibit "A"  
COTW - 5/10/2011

April 21, 2011

Village Board of Gilberts,

Please be informed that as neighbors of the property located at 15N288 Tyrrell in Gilberts, we have no opposition on the variance request made by Jesus Alvarado and Maria T Ramos. We support their petition and would like to have this property eventually owner occupied.

Bridget Hernandez

Signed

5/09/2011

Date

697 Tipperary St  
Gilberts IL

Address

60136