

VILLAGE OF GILBERTS

VILLAGE BOARD MEETING

June 6, 2006

7:30 p.m.

CALLED TO ORDER:

Village President Wajda called the meeting to order at 7:30 p.m. President Wajda led those present in the Pledge of Allegiance.

ROLL CALL/ESTABLISH QUORUM:

Members present: Trustees Boytor, Mierisch, Mueller, Zambetti, Mengarelli and President Wajda. Members Absent: Trustee Lindoerfer. Others present: Finance Director Marlene Blocker, Village Attorney Nancy Harbottle, Village Engineers Al Stefan, Plan Commission Chairperson Doug Hagen, Deputy Building Commissioner John Swedberg, and Village Clerk Darlene Mueller. (Members of the public, see attached list.) President Wajda declared a quorum present.

A motion was made by Trustee Mierisch and seconded by Trustee Mueller that a portion of the meeting be closed to the public with business to follow; effective immediately as Permitted by 5 ILCS 120/2 (c) (11) and to discuss litigation against, affecting, or on behalf of the Village which has been filed and is pending in a court or administrative tribunal or which is probable or imminent. Roll call: Vote: 5 ayes (Trustees Boytor, Mierisch, Mengarelli, Zambetti, and Mueller), 0-nays, 0-abstained, 0-absent. Motion carried. The Board went into Executive Session at 7:31 p.m. and returned at 7:40 p.m.

A motion was made by Trustee Mueller and seconded by Trustee Zambetti to reconvene to the public meeting. Roll call: Vote: 5 ayes (Trustees Boytor, Mierisch, Mengarelli, Zambetti, and Mueller), 0-nays, 0-abstained, 0-absent. Motion carried.

President Wajda asked for a roll call from Clerk Mueller. Clerk Mueller called the roll: President Wajda, Trustees Boytor, Mierisch, Mueller, Mengarelli and Zambetti.

APPROVAL OF MINUTES

A motion was made by Trustee Mueller and seconded by Trustee Mengarelli to approve the Village Board meeting minutes of May 2, 2006; Village Board Work Session meeting minutes of May 9, 2006, and Village Board meeting minutes of May 16, 2006. Roll call: Vote: 5-ayes (Trustees Boytor, Mierisch, Mueller, Mengarelli and Zambetti), 0-nays, 0-abstained, 0-absent. Motion carried.

APPOINTMENTS

A motion was made by Trustee Mueller and seconded by Trustee to concur with Village President's recommendation to reappoint Mel Jersky to the Gilberts Downstate Police Pension fund, term to expire on April 30, 2007. Roll call: Vote: 5-ayes (Trustees Boytor, Mierisch, Mueller, Mengarelli and Zambetti), 0-nays, 0-abstained, 0-absent. Motion carried.

A motion was made by Trustee Mengarelli and seconded by Trustee Zambetti to concur with the Village President's recommendation to appoint Peter Cullotta as Plan Commission Chairperson, term to expire on May 31, 2007. Roll call: Vote: 5-ayes (Trustees Boytor, Mierisch, Mueller, Mengarelli and Zambetti), 0-nays, 0-abstained, 0-absent. Motion carried. The oath was sworn by Clerk Mueller to Plan Commission Chairman Peter Cullotta.

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A motion was made by Trustee Mengarelli and seconded by Trustee Zambetti to concur with the Village President's recommendation to reappoint Patrick Fatigato as Plan Commission Member, term to expire on May 31, 2008. Roll call: Vote: 5-ayes (Trustees Boytor, Mierisch, Mueller, Mengarelli and Zambetti), 0-nays, 0-abstained, 0-absent. Motion carried.

A motion was made by Trustee Mengarelli and seconded by Trustee Zambetti to concur with the Village President's recommendation to reappoint Tony Loden as Plan Commission Member, term to expire on May 31, 2008. Roll call: Vote: 3-ayes (Trustees Boytor, Mengarelli and Zambetti), 2-nays, (Trustee Mueller and Trustee Mierisch) 0-abstained, 0-absent. Motion carried.

A motion was made by Trustee Mengarelli and seconded by Trustee Zambetti to concur with the Village President's recommendation to reappoint Robert Borgardt as Plan Commission Member, term to expire on May 31, 2008. Roll call: Vote: 5-ayes (Trustees Boytor, Mierisch, Mueller, Mengarelli and Zambetti), 0-nays, 0-abstained, 0-absent. Motion carried.

A motion was made by Trustee Mengarelli and seconded by Trustee Zambetti to concur with the Village President's recommendation to reappoint Chris Mullen as an Ex-Officio, term to expire May 31, 2008. Roll call: Vote: 5-ayes (Trustees Boytor, Mierisch, Mueller, Mengarelli and Zambetti), 0-nays, 0-abstained, 0-absent. Motion carried.

PUBLIC COMMENT AND DISCUSSION

Resident Douglas Wallace, 180 Park Court, stated that he moved to Gilberts last December and purchased a steel shed which is not in compliance with the Village's Code and would like the Board's approval for a steel shed. After a discussion, it was the consensus of the Attorney and Board to go before the Zoning Board of Appeals for a variation from the Zoning Ordinance. President Wajda directed this matter to Deputy Building Commissioner Swedberg and Clerk Mueller.

Resident Jim Landon, 436 Running Deer, expressed his concern on the rumor of FedEx's relinquishing their petition. President Wajda assured Mr. Landon that he had just received documents that they were moving forward with their petition. Mr. Landon informed the board that he had obtained over 1,000 names on a petition supporting FedEx on the proposed site.

Mr. Frank Alberto, 18N062 Hidden Hills, expressed his concern over the Board's consideration of annexation of the Casciaro and Nepperman Strip annexation and wanted the attorneys for Neumann to elaborate more on the infrastructure schedule. (*Attorney Callaghan and Attorney Laytin spoke about this matter later in the minutes.*)

APPROVAL OF BILLS AND SALARIES: **A motion was made by Trustee Boytor and seconded by Trustee Mengarelli to approve the amended payment of bills pursuant to the list dated 6/6/06 presented to the Trustees prior to the meeting as follows: General Fund \$46,733.34, Permit Pass Throughs \$240.24, Performance Bonds Returned and Escrows \$19,055.66 and Water and Sewer Fund \$13,348.57 and Salaries \$70,731.04.** Roll call: Vote: 5 ayes (Trustees Boytor, Mierisch, Mengarelli, Mueller, and Zambetti), 0-nays, 0-abstained, 0-absent. Motion carried.

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OLD BUSINESS

FY06-07 Working Budget

President Wajda explained that there was still issues with the health insurance, which Finance Director Blocker informed the Board that any rate changes can only be made when open enrollment occurs, which will be in March or 2007. President Wajda directed Clerk Mueller to put this item on next week's work session agenda and regular Board meeting on June 20, 2006.

ORDINANCES/RESOLUTIONS/PROCLAMATIONS TO BE PASSED

A motion was made and amended by Trustee Zambetti and seconded by Trustee Mengarelli to adopt Ordinance #06-24/An Ordinance Amending Section 5.7/Amendment to the Fire Prevention Code of the Village of Gilberts. Discussion followed on minor changes. Roll call: Vote: 5 ayes (Trustees Boytor, Mierisch, Mueller, Zambetti, and Mengarelli), 0-nays, 0-abstained, 0-absent. Motion carried.

A motion was made by Trustee Mengarelli and seconded by Trustee Mierisch to adopt Ordinance #06-25/An Ordinance Amending Section 9.1.1.3 of the Village of Gilberts Code, re: dog License. Discussion followed on a portion of the deleted section. It was the consensus of the Board to not delete the portion stating "*It shall be the duty of such owner of said dog to cause the license tag to be securely attached around the dog's neck.*" and to vote on the proposed Code Amendment with that language remaining. Roll call: Vote: 5 ayes (Trustees Boytor, Mierisch, Mueller, Zambetti, and Mengarelli), 0-nays, 0-abstained, 0-absent. Motion carried.

A motion was made by Trustee Mengarelli and seconded by Trustee Zambetti to adopt Ordinance #06-26/An Ordinance Amending Section 10.18 "Vehicle License Fees" and Section 14.12 "Dog Licenses of the Village of Gilberts Code. Roll call: Vote: 5 ayes (Trustees Boytor, Mierisch, Mueller Mengarelli and Zambetti), 0-nays, 0-abstained, 0-absent. Motion carried.

A motion was made by Trustee Mueller and seconded by Trustee Mierisch to adopt Ordinance #06-27/An Ordinance amending Section 5.2.13 of the Village of Gilberts Code, re: Temporary Occupancy. Discussion followed on the November 1st and May 31st of the next calendar year in the proposed ordinance. It was the consensus of the Board to leave the Ordinance as written. Roll call: Vote: 5 ayes (Trustees Boytor, Mierisch, Mueller, Zambetti, and Mengarelli), 0-nays, 0-abstained, 0-absent. Motion carried.

A motion was made by Trustee Zambetti and seconded by Trustee Mengarelli to adopt Resolution No. 06-10R/ approving the Eagles Development and Easement Agreement and Authorizing Execution thereof. Discussion followed on the Board's concern on not receiving the P.E. memo from an authorized agent and felt uncomfortable on considering this Resolution. Deputy Building Commissioner Swedberg read a list of unfinished items, which were not considered major concerns. **A motion was made by Trustee Mueller and seconded by Trustee Mengarelli to table this matter until the next regular Board meeting on June 20, 2006.** President Wajda directed Deputy Building Commissioner Swedberg to contact the Eagles on obtaining the appropriate documents prior to the next regular Board meeting in order to meet their opening day.

Trustee Mengarelli stepped down from his seat and recused himself at this time.

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A motion was made by Trustees Mueller and seconded by Trustee Zambetti to adopt Ordinance # 06-28/An Ordinance Approving the Annexation Agreement between the Village and Neumann Homes and Directing Execution thereof (20 acres Casciaro and 1.7 acre Nepperman Strip). Discussion followed. Attorney Jerry Callahan, representing Neumann Homes advised the Board with Attorney Harbottle's confirmation that all legal notices were properly published and the annexations mirror the annexation agreement passed last year except for Exhibit G.

Attorney Callaghan and Attorney Laytin updated the Board on Neumann's progress. A discussion then centered on road improvements with a time period of 3 years for the improvements for Huntley-Kreutzer Improvement Road and who would be responsible for paying for any extra costs above those estimated on the exhibit prepared by the Village Engineer. After a discussion, Attorney Harbottle recommended that there could be a reasonable increase in the Village Engineer's estimate. Attorney Laytin felt Neumann Homes has acted in good faith and addressed Village concerns. After further discussion and no resolve on the aforementioned roll call was requested. Vote: 5 ayes (Trustees Boytor, Mierisch, Mueller, Zambetti, and President Wajda), 0-nays, 0-abstained, 0-absent. Motion carried.

A motion was made by Trustee Mueller and seconded by Trustee Zambetti to adopt Ordinance #06-29/An Annexation Ordinance - Neumann Homes (20 acres Casciaro and 1.7 Nepperman properties). Roll call: Vote: 5 ayes (Trustees Boytor, Mierisch, Mueller, Zambetti, and President Wajda), 0-nays, 0-abstained, 0-absent. Motion carried.

A motion was made by Trustee Zambetti and seconded by Trustee Mueller to adopt Ordinance #06-30/ An Ordinance Rezoning 20 acres and 1.7 acres pursuant to the Annexation Agreement Neumann Homes (Casciaro and Nepperman properties) Roll call: Vote: 5 ayes (Trustees Boytor, Mierisch, Mueller, Zambetti, and President Wajda), 0-nays, 0-abstained, 0-absent. Motion carried.

A motion was made by Trustee Mueller and seconded by Trustee Zambetti to adopt Resolution #06-11R/ A Resolution Approving a contract for website design and services/Fox Valley Webworks. Discussion followed. Trustee Boytor wanted to hear Attorney Harbottle's input on the contract. Attorney Harbottle stated she had not reviewed the contract. **A motion was made by Trustee Boytor and seconded by Trustee Zambetti to table this matter until the next regular Board Meeting on June 20, 2006.** Roll call: Vote: 5 ayes (Trustees Boytor, Mierisch, Mueller, Zambetti, and Mengarelli), 0-nays, 0-abstained, 0-absent. Motion carried.

REPORT FROM CONSULTANTS, OFFICERS, BOARD, COMMISSIONS

Village Engineer - Engineer Stefan submitted his status report and stated he was meeting with Neumann Homes on a weekly basis. He is setting up a meeting with Joe Lazar on final occupancy requirements and bringing up his escrow account to date. A meeting was had with Phoenix & Associates regarding the detention credit bank. Baxter and Woodman will be meeting with School District #300 and KDOT's approval of a construction access off of Galligan Road. Engineer Stefan stated he has submitted a purchase order for the water tower.

Village Attorney – Attorney Harbottle reported to the Board about the meeting with Phoenix in response to Trustee Mueller's question about detention credit, Attorney Harbottle stated Triumph Development was considered using them at his proposed site at the Riemer Centre.

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Attorney Harbottle informed that Board that Trustee Zambetti had advised her that Jeff Dublo of Triumph Development was his second cousin. Attorney Harbottle that with this disclosure there would not be any legal issue relative to Trustee Zambetti voting on Mr. Dublo's petition.

Village Treasurer – Finance Director informed the Board that auditors will commence the audit next week.

Village Planner – There was no report from the Planner.

Police Chief – Chief Joswick was not available for the meeting, but had submitted his weekly memo to the Board.

Plan Commission Chairperson – Chairman Hagen reported that the meeting for the Plan Commission had been canceled.

REPORT FROM TRUSTEES AND VILLAGE PRESIDENT

Trustee Mengarelli suggested that the Board respond to Bill Brown's proposal on the proposed addition to the Village Hall and advise him that no action can be taken until the Village board finalizes the budget.

Trustee Zambetti advised the Board that Mr. Pope would like to teach lessons at the Skate Board Park and that he will be working with him on this task.

Trustee Mueller advised the Board that Field Supervisor Roy Surges has two applicants for consideration for permanent part time employees. The applications will be forwarded to President Wajda and Trustee Mueller.

Trustee Mierisch informed the Board that she has a copy of the contract for the website provider, Fox Valley WebWorks.

Trustee Boytor will be meeting with Staff person Shirley Sorenson very soon on preparing the application for the Governor Hometown Award entry on the Village Wide Earth Day in order to make the deadline.

Trustee Boytor informed the Board that he will not be at next week's work session meeting.

President Wajda inquired about the status of ComEd. Deputy Building Commissioner Swedberg stated he contacted ComEd representative Alan Armstrong and could not give him any information on any approved routes.

Mr. Doug Nataluk, Neumann Homes, stated he was working with the Village and focusing on the Special Service Area and Bonds for Board review next Tuesday. Attorney Laytin advised the Board that there were numerous inquiries on the parcels that were put up for sale, however, there was a possibility that Neumann Homes will finish the project and would definitely advised the Board the minute there is a definite answer.

Neumann Homes is considering changing the name of the project from Clublands to "Conservancy of Gilberts" and asked for input from the Board.

A motion was made by Trustee Mueller and seconded by Trustee Mengarelli that a portion of the meeting be closed to the public to review closed session minutes. Roll call:

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Vote: 5 ayes (Trustees Boytor, Mierisch, Mengarelli, Zambetti, and Mueller), 0-nays, 0-abstained, 0-absent. Motion carried. The Board went into Executive Session at 9:17 p.m. and returned at 9:26 p.m.

A motion was made by Trustee Mueller and seconded by Trustee Boytor to reconvene to the public meeting. President Wajda asked for a roll call from Clerk Mueller. Clerk Mueller called the roll: President Wajda, Trustees Boytor, Mengarelli, Mierisch Mueller, and Zambetti.

ADJOURNMENT:

There being no further business, **a motion was made by Trustee Boytor and seconded by Trustee Mengarelli to adjourn the meeting.** Roll call: Vote: 5-ayes (Trustees Boytor, Mierisch, Zambetti, Mengarelli and Mueller), 0-nays, 0-abstained. Motion carried. Adjournment Time: 9:26 p.m.

Respectfully Submitted,

Darlene Mueller, Village Clerk

6/7/06