

Village of Gilberts  
87 Galligan Road  
Gilberts, Illinois 60136  
Board of Trustees  
Meeting Minutes  
June 7, 2011

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**

Members Present were: Trustees Corbett, Clark, Mierisch, Zambetti, Farrell, Hacker and President Zirk. Others present: Administrator Keller, Assistant to the Village Administrator Beith, and Attorney Tappendorf.

**Presentation**

Ryland Homes Updates – will be rescheduled for a later date.

**Public Comment and Discussion**

Resident Dan Baird of 571 Running Deer Lane stated that he had attended the ZBA meeting held on March 23, 2011 regarding agenda item 6A. He stated that the ZBA made a recommendation to allow the variance for one year instead of five. Mr. Baird recommends that the Village review the variance yearly. He feels that the property isn't properly maintained, and he would like to see the Board require maintenance on the property. He lives across the street from the Riemer property. He feels terrible that it hasn't been developed, but he stated that it is unsightly to view.

Resident Damon Frugoli of 147 Charleston Lane came in to thank the Village on a job well done at Community Days. He said that the festival was three times as large as it was the previous year, and he felt everything flowed together well. He liked the idea of moving it into Town Center Park, and he hopes it will continue to stay there.

**Consent Agenda**

- A. A motion to approve Minutes from the May 17, 2011 Village Board Meeting
- B. A motion to approve the Bills and Salaries dated June 7, 2011 as follows: General Fund \$83,487.72, TIF \$54,020.00, Permit Pass Thru \$1,200.00, Performance Bonds and Escrows \$1,501.90, Water Fund \$41,311.31 and Payroll \$119,806.75.
- C. A Motion to approve Ordinance 14-2011, an Ordinance adopting Prevailing Wage Rates
- D. A motion to approve Resolution 28-2011, a Resolution approving Executive Session Meeting Minutes
- E. A motion to approve Ordinance 15-2011, an Ordinance amending the Gilberts Village Code to impose a Non-Home Rule Sales Tax

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**A motion was made by Trustee Clark and seconded by Trustee Farrell to approve the consent agenda as presented.** Roll call: Vote: 6-ayes (Trustees Clark, Corbett, Hacker, Farrell, Mierisch, and Zambetti) 0-nays, 0-abstained. Motion carried.

**Items for Approval**

**A motion to approve Ordinance 16-2011, an Ordinance granting a Zoning Variation for the property legally described as Lot 49 of the Riemer Centre Subdivision, Gilberts, Kane County, Illinois**

Administrator Keller gave a brief overview of the public hearing held before the ZBA on March 23, 2011. The draft ordinance was written according to the ZBA recommendation.

Jeff Riemer stated that he has been mowing the grass and the berm is being cut weekly or bi-weekly. He stated that there are some lots around him that he doesn't own, and their grass/weeds are high. He is requesting that the variance be for five years. He added that he will put up a site fence once he receives the variance. He said he does have perspective buyers looking at his property. And any help the Board could give him is greatly appreciated.

Trustee Clark asked Mr. Riemer if he was okay with the engineering recommendation. Mr. Riemer stated that he is looking into it. He said that the plats were approved.

The original engineering plans were made with respect to the property being under septic and well design. It was recommended that the storm water management plan be updated to include the design incorporating curb and gutter as well as sewer and sanitary systems.

A discussion between President Zirk and Administrator Keller regarding whether the responsibility of adding detentions should be looked at as a development or on a lot to lot basis followed.

Trustee Clark stated that he feels that the current retention ponds have not been properly maintained.

The draft ordinance will be amended eliminating #8. It will be brought back for discussion with the engineers at a later date.

Trustee Clark suggested that the variance expire in less than five years, but longer than one year, possibly on April 30, 2013. He would also like to see the dirt pile moved back by the equipment. Mr. Riemer stated that it would be too costly for the dirt to be moved.

President Zirk stated the importance of the Village having the ability to take away the variance at any time, if Mr. Riemer is in violation of the special use or the zoning ordinance.

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Trustee Mierisch asked staff to find out who is responsible for maintaining the other 2 lots. She stated the importance of them being maintained for economic development growth.

President Zirk suggested that the definition of the property be made clearer.

Mr. Riemer added that the property along Tyrrell is county property. He's mowing up to the rights-of-way.

Trustee Zambetti reminded the Board members that Mr. Riemer had invited them to view his property so concerns could be addressed.

Attorney Tappendorf stated that a condition of the variance could be that it is limited to a five year term but have an annual review. The Board would have the right to revoke the variance if there is any violation.

Trustees Zambetti and Farrell stated that they are fine with a 2 year term agreement.

Trustee Mierisch stated that she is not in favor of allowing the variance for more than a year.

Trustee Hacker questioned the type of fence Mr. Riemer would be installing. After being told that a concrete slab with fencing located along the top of the concrete wasn't acceptable to the code, Mr. Riemer stated that he will put in an acceptable fence.

Trustee Corbett would like to view Mr. Riemer's property.

Once the revised draft ordinance is completed a copy will be made available to Mr. Riemer.

Resident Dan Baird inquired about the fines. Administrator Keller stated that they were addressed in the 2007 agreement. President Zirk stated that he was under the impression that the fines would be waived as long as Mr. Riemer came into compliance and went through the variance process.

**A motion to approve Ordinance 17-2011, an Ordinance adopting the Amended and Restated Official Village of Gilberts Code-2011**

Administrator Keller stated that Clerk Meadows sent out an email asking if the Board members had any questions, comments, or concerns regarding the new code.

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Trustee Mierisch stated that information relevant to the code was made available on flash drives a couple of years ago, but only two of the current Board members have a copy. She added that a spreadsheet of amendments was also made available and asked whether the Board could get an updated copy adding the latest amendments.

Administrator Keller informed the Board that they could either approve the new code and work off of it or continue to use the old code.

**A motion was made by Trustee Zambetti and seconded by Trustee Clark to approve Ordinance 17-2011, an Ordinance adopting the Amended and Restated Official Village of Gilberts Code-2011, 5-ayes (Trustees Clark, Corbett, Farrell, Hacker, and Zambetti) 1-nay (Trustee Mierisch) 0-abstain. Motion carried.**

**Items for Discussion**

**Road Program-Financing Options**

Bob Vail, Vice President of Bernardi Securities, Inc. introduced himself and gave a brief overview of the firm. He went on to explain how the bonds are marketed. He stated that three Board actions are required before this can occur. An initial ordinance needs to be passed and published in the newspaper, a public hearing must be held, and then a final bond ordinance has to be passed.

Mr. Vail proceeded to explain a few steps that are required in between the Board actions. The numbers have to be structured and everyone has to be in agreement with the payments. The interest rates on the bond are contingent upon the Village's credit rating.

Dan Simpson, Assistant Vice President went on to further explain the "Firm Overview & Financing Options for Village of Gilberts, Kane County, Illinois," which was distributed, to the Board.

Pages 13 and 14 show the two different types of debt schedule services available. The first payment from the Village would be due on December 15, 2012. The coupon column is the interest rate. The net interest cost is 3.33%.

Page 15 lists the sources and uses. The "costs of issuance" is Bernardi Securities' fee. The "rounding amount" goes to the Village.

Page 16 shows a preliminary timeline. The earliest the Village can receive the money is August 15.

Trustee Corbett questioned whether the chart on page 17 was a graph of the interest rates. Mr. Vail stated that it was, and he went on to explain why the interest rate had recently fluctuated.

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Mr. Vail added that most likely the Village will get an "A" rating.

Trustee Clark asked how the payments would differ if Gilberts didn't receive an "A" rating, and the interest rate was a 1/2% higher. Mr. Vail estimated that it may cost the Village an additional \$50,000. That would be spread out over a ten year period making the payment \$5,000 per year higher than initially anticipated.

Trustee Farrell questioned when the Board would have to decide which debt payment service the Village would use.

President Zirk asked if the 1% fee charged by Bernardi Securities, Inc was consistent with the amount charged by other firms. The response was yes. Mr. Vail stated that the fee would go down with a higher credit rating. He added that selling the bonds locally could also reduce the fee collected.

President Zirk then inquired why the Village didn't consider using their existing fund balances. Administrator Keller stated that he would rather keep the money in reserve accounts.

The Village retains the Bond Council.

An Ordinance reflecting the discussion will come back before the Board in two weeks.

**Road Program-Design Options**

Jason Fluhr and Dave Hemmerich from Baxter & Woodman went through the memo dated June 1, 2011 regarding the 2011 road program options.

**1. Shoulders**

The grass shoulders cost \$34,000 more than gravel shoulders. However, the long term maintenance can be costly. The Board chose to have gravel shoulders installed. No RAP should be used.

**2. Parkway Restoration**

Sod would cost an additional \$100,000. The Board chose to use seed to restore the areas.

**3. Asphalt Driveway Replacement Limits**

Option 2 is \$150,000 more. The Board chose Option 1 – Overlay existing asphalt driveways

**4. Concrete Driveway Replacement Limits**

There are 46 concrete driveways. The Board chose Option 3 – Sawcut and Remove Concrete and match in with new concrete.

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The wood driveway will be matched as well.

5.1. The Board instructed B&W not to replace the aprons on the driveways identified as being in poor condition.

5.2. The cost would be approximately \$11,000 to match the existing pavement for the driveways that have concrete or brick borders. The Board members requested the addresses of these driveways, so they can view them.

The Board decided to allow the contractor to give homeowners the option of replacing their entire driveway. There was some discussion regarding the permit fees. The Board would like to see the fees lowered.

**6. Culverts**

The Board chose to replace only the culverts that have been identified to be rusted, back-pitched, or damaged and to only install end sections on culverts where ditches are re-graded.

President Zirk had forwarded three addresses to Baxter & Woodman where residents had reported concerns.

If any culverts have been covered or filled in, they will be returned to the proper drainage.

A discussion continued regarding whether residents should be penalized for interfering with the drainage.

An open house regarding the road program will be held on June 29, possibly between 4-9:00 p.m.

**Staff Reports**

Binders were distributed to the Board members.

**Board of Trustees Report**

none

**President's Report**

none

**Executive Session**

A motion was made by Trustee Clark and seconded by Trustee Farrell to close a portion of the meeting to the public, effective immediately with no business to follow as permitted by 5 ILCS 120/2

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**( 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 ) (2) collective negotiating matters.** Vote: 6 ayes (Trustees Clark, Corbett, Farrell, Hacker, Mierisch, and Zambetti). 0-nays. 0-abstains. Motion carried.

The Board Members along with Administrator Keller, and Attorney Tappendorf went into Executive Session at 10:30 p.m. and returned to the public meeting at 11:10 p.m.

Roll Call: Present Trustees Clark, Corbett, Farrell, Hacker, Mierisch, and Zambetti and President Zirk, Also Present Attorney Tappendorf.

**Adjournment**

**A motion was made by Trustee Clark and seconded by Trustee Zambetti to adjourn the meeting at 11:10 p.m.** Roll call: Vote: 6-ayes by unanimous voice vote.

Respectfully submitted,  
Karen Danca, Recording Secretary