

Village Board  
Meeting Minutes  
87 Galligan Road  
Gilberts, Illinois  
February 8, 2011

APPROVED MINUTES

**Call to Order/Pledge of Allegiance**

President Zirk called the meeting to order at 7:08 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 and President Zirk. 1-Absent: Trustee Cullotta. Others present: Administrator Keller and Village Clerk Meadows.

**Public Comment**

President Zirk asked if anyone in the audience wished to address the Board. Attorney Schuster asked if the Board would like to entertain his comments at this time or wait until they were considering agenda item 5A. The Board preferred if they would hold their comments until the matter was being discussed.

**Consent Agenda**

- A. A Motion to approve Minutes from the January 18, 2011 Village Board Meeting
- B. A Motion to approve the Bills and Salaries dated February 8, 2011
- C. A Motion to approve the January 2011 Treasurer's Report
- D. A Motion to approve Resolution 05-2011, a Resolution exercising an option to renew for one year, an Intergovernmental Agreement with the County of Kane for Animal Control Services.

President Zirk asked if any Board Members wished to remove any item from the consent agenda. There was no comment.

A motion was made by Trustee Erbeck and seconded by Trustee Clark to approve the consent agenda as presented as follows:

- A. A Motion to approve Minutes from the January 18, 2011 Village Board Meeting
- B. A Motion to approve the Bills and Salaries dated February 8, 2011 as follows: General Fund \$30,590.09, Developer Donations \$1,000.00, Permit Pass Thrus \$600.00, Performance Bonds and Escrows \$701.54, Water \$43,677.65, Payroll \$46,671.31.
- C. A Motion to approve the January 2011 Treasurer's Report
- D. A Motion to approve Resolution 05-2011, a Resolution exercising an option to renew for one year, an Intergovernmental Agreement with the County of Kane for Animal Control Services

Vote: 5-ayes: Roll call: Trustees Clark, Mierisch, Zambetti, Farrell, and Erbeck. 0-nays, 0-abstained. Motion carried.

### Items for Approval

**A motion to approve Ordinance 01-2011, an Ordinance amending a special use permit for the operation of a recycling center within the I-1 General Industrial Zoning District located at 46 East End Drive.**

Administrator Keller reported that staff had drafted an ordinance which amends the original special use permit to allow for the recycling of "White Goods" without the "White Goods" components. The ordinance clarifies and restates the conditions that were previously applied to the original special use permit. In addition, the ordinance addresses concerns that were brought to the Village's attention during the Plan Commission's Public Hearings.

Attorney Schuster, representing Mr. Tim Polk (adjacent property owner) reported that he also has drafted a list of conditions. President Zirk asked Attorney Schuster to discuss the differences between his recommendation of conditions and the Village Staff's recommendation of conditions. Attorney Schuster cited item numbered 2 on his list which recommends restricting the hours of operation to Monday thru Friday, 8:00 a.m. to 5:00 p.m., and Saturday from 8:00 a.m. to 1:00 p.m.

He went on to comment on his recommendation noted in items numbered 11, 12 and 17 all of which deal with the site. He is requesting Elgin Recycling be required to submit a site plan. Administrator Keller replied that Elgin Recycling had submitted a site plan which was approved by the Village Engineers.

Attorney Schuster commented on his recommendation numbered 16. He is aware Elgin Recycling recently purchased a new machine which they state will reduce the noise and the reported quaking and shaking of the adjacent properties. However, at this time he does not have evidence that the machine is beneficial or not beneficial in the reduction of the noise and quaking.

Attorney Schuster commented on his recommendation numbered 23 which would require the Village to monitor the noise. In addition, the condition also requires Elgin Recycling to reimburse the Village for their time and expense incurred with monitoring the site.

Attorney Schuster commented on his recommendation numbered 25 which if approved would require Elgin Recycling to reimburse Mr. Polk for the expense incurred by him in contesting the approval of the amendment to the special use originally granted for the subject property on June 19, 2008, including attorney fees and expert fees. Administrator Keller replied that he had spoken with the Village Attorney with respect to this condition and the Village Attorney reported that the Village is not in a position to resolve a two party dispute.

A lengthy discussion ensued with respect to the differences in the recommendation of the conditions.

Attorney Dan Curran, (representing Elgin Recycling) and Mr. Conroy (owner of Elgin Recycling) both reported that the IEPA had recently inspected Elgin Recycling's facility and they had no noise violations.

President Zirk directed staff to add an additional condition which requires Elgin Recycling to report to the Village within 72 hours any violations received from any regulatory agencies.

There was some discussion with respect to fencing and sound barriers.

**A motion was made by Trustee Farrell and seconded by Trustee Zambetti to approve Ordinance 01-2011 amending a special use permit for the operation of a recycling center within the I-1 General Zoning District located at 46 East End Drive with the additional condition which required Elgin Recycling to report within 72 hours any violation from any regulatory agencies.** Vote: 5-ayes: Roll call: Trustees Mierisch, Zambetti, Farrell, Erbeck and Clark. 0-nays, 0-abstained. Motion carried.

**A motion to approve Resolution 04-2011, A Resolution authorizing the release of J. S. Riemer, Inc. Developer's Subdivision Surety Bond, and Replacing it with a one-year warrantee or maintenance bond.**

Trustee Mierisch asked Administrator Keller how the amount of the one-year maintenance bond was calculated. Administrator Keller replied the Village Engineer had estimated the cost of the value of the estimated work remaining.

**A motion was made by Trustee Zambetti and seconded by Trustee Erbeck to approve Resolution 04-2011, a Resolution authorizing the release of J.S. Riemer, Inc. Developer's Subdivision Surety Bond, and replacing it with a one-year warrantee or maintenance bond.** Vote: 5-ayes: Roll call: Trustees Zambetti, Farrell, Erbeck, Clark and Mierisch. 0-nays, 0-abstained. Motion carried.

**A motion to approve Resolution 06-2011, a Resolution authorizing an Engineering Services Work Order with Baxter & Woodman for Gilberts Glen Storm Sewer Replacement and Detention Pond Restoration.**

Administrator Keller reported that approval of this resolution would allow Baxter & Woodman to begin designing and permitting drainage improvements that would restore the original design conditions in the Gilberts Glen subdivision. The Village has secured a total of \$345,000.00 from the Kane County Recovery Zone Bond program for both the Gilberts Glen and Binnie Road improvements.

**A motion was made by Trustee Erbeck and seconded by Trustee Farrell to approve Resolution 06-2011 authorizing an Engineering Services Work Order with Baxter & Woodman for Gilberts Glen Storm Sewer Replacement and Detention Pond Restoration.** Vote: 5-ayes: Roll call: Trustees Farrell, Erbeck, Clark, Mierisch and Zambetti. 0-nays, 0-abstained. Motion carried.

**A motion to approve Resolution 07-2011, a Resolution authorizing an Engineering Services Work Order with Baxter & Woodman for Binnie Road Reconstruction and Drainage Improvements.**

Administrator Keller reported that approval of this resolution would allow Baxter & Woodman to begin designing and permitting the reconstruction of approximately 700 feet of Binnie Road, a low lying road segment that regularly floods. The project includes reconstruction of the road and repair and replacement of drain tiles, culverts and overland drainage ways. This also is being funded from the proceeds received from the Kane County Recovery Zone Bond program.

Administrator Keller reported that due to Phoenix and Associates' long history of the area they will be working closely with Baxter & Woodman. Trustee Clark inquired about the bidding process. Administrator Keller replied that Phoenix and Associates would be allowed to bid on the project. Trustee Clark acknowledged that there was nothing to prohibit Phoenix and Associates to bid on the project. However, he expressed concern with the perception.

There being no further discussion, **a motion was made by Trustee Erbeck and seconded by Trustee Farrell to approve Resolution 07-2011, a Resolution authorizing an Engineering Services Work Order with Baxter & Woodman for Binnie Road Reconstruction and Drainage Improvements.** Vote: 4-ayes: Roll call: Trustees Erbeck, Mierisch, Zambetti and Farrell. 1-nay: Trustee Clark, 0-abstained. Motion carried.

#### **Items for Discussion**

##### **Vehicle Sticker Program**

Administrator Keller discussed the pending garbage contract with MDC for garbage removal services. He noted that the pending contract provides a unique opportunity for the Village to eliminate vehicle stickers while keeping residents' garbage costs stable. The savings between what residents now pay and the cost of MDC's services would be sufficient to replace the vehicle stickers with an equivalent revenue stream for the road fund. The garbage contract will also generate additional funds that can be applied to capital equipment or another Village Priority.

Trustee Mierisch asked if the Village would be billing all residential users. Administrator Keller responded by saying yes. Finance Director Blocker was working with all the HOA's with respect to the garbage billing.

Trustee Erbeck treasured the idea.

Trustee Clark commented on the revenue for the road fund and the general fund. He recommends staff use a flat dollar amount instead of a percentage. In his opinion it would make the budgeting process easier. Administrator Keller stated that staff will revise the table to reflect a flat dollar amount.

#### **Payment Priority Ordinance**

Administrator Keller recommended that once the MDC contract is approved the Board adopt an ordinance that establishes a priority for how payments for outstanding bills and fees are applied. He reported that he had spoken with Attorney Tappendorf and she advises not including the collection of code violations. In her opinion this could trigger litigation.

#### **Nonresidential Refuse Haulers License**

Administrator Keller informed the Board that the pending contract with MDC focuses on the collection of refuse and recyclables from residential users in the Village, allowing nonresidential users the flexibility to make their own arrangements for collecting refuse from their properties. Many communities that allow multiple garbage haulers institute an annual license. Although, the fee from the annual waste hauling license is not intended to be a revenue generator it is a mechanism for regulating garbage pickup days and hours, requiring that haulers operate responsibly, and extending liability coverage to the Village while serving the community and using Village streets. Staff recommends an annual license fee of \$1,000. The Board Members thought that a \$1,000 fee was too steep. They recommended \$200.00 annually.

#### **Building Permit Fees Update**

Administrator Keller discussed staff proposal to restructure the residential building permit fee schedule found in Section 14.1 "Building and Miscellaneous Construction" to a \$0.75 per square foot fee. In addition staff recommends reducing the deposit for miscellaneous and minor permits from the current fee of \$193.00 to \$60.00, which would adequately cover two re-inspections.

Trustee Mierisch recommended a \$0.70 per square foot fee. The remainder of the Board Members concurred with staff's recommendation of \$0.75 per square foot fee.

Staff also found that the Village currently charges \$40.00 for reviewing miscellaneous permits. This fee is a holdover from when the Village contracted with an inspection company. Staff recommends eliminating this separate plan review fee.

Trustee Mierisch expressed concerns with some contracted professional inspectors not completing all the inspections at one time which creates multiple inspections and extra cost passed on to the residents. Trustee Zambetti noted that some inspectors are more conscientious than others. Administrator Keller said that he would look into the situation to see if there is some type of "standard checklist" that should be followed.

#### **Staff Reports**

Administrator Keller reported that the Village is experiencing some problems with banks batching water payments late although the residents did pay on time. Trustee Erbeck asked if the Village was still charging late fees. Administrator Keller stated that in the past the Board directed staff not to waive any late fees. He is looking for direction from the Board if they wish to continue with that policy. The Board directed staff to continue implementing the late fee policy as written in the Ordinance.

Administrator Keller reported that Ms. Charlene Carlson is asking the Board to draft a resolution supporting Kane County in their efforts to dispute the IDNR's deer population projections.

#### **Board of Trustees Reports**

Trustee Mierisch reported that during the snow event Kane County Office of Emergency Management asked the Village to open a warming center. Trustee Zambetti along with Trustee Mierisch, and CERT Members, David Alice and Alissa Leznek assisted in opening a warming center at the Village Hall.

Trustee Mierisch reported that many residents and employees assisted in the rescue of stranded motorists. She paid special recognition to Sergeant Rood and his wife Amy. They provided food and supplies. Resident Rob Vanni used his snowmobile to transport the stranded motorists. The Village will be recognizing their effort and citizenship at the next Board Meeting.

#### **Adjournment**

There being no further business to discuss, a motion was made by Trustee Erbeck and seconded by Trustee Clark to adjourn from the public meeting at 9:40 p.m. Vote-5 ayes by unanimous voice vote.

Respectfully submitted,

Debra Meadows



