

**VILLAGE OF GILBERTS  
COMMITTEE OF THE WHOLE MEETING**

**87 GALLIGAN ROAD,  
GILBERTS, ILLINOIS 60136**

**March 10, 2009**

**7:00 p.m.**

**CALLED TO ORDER:**

Village President Wajda called the meeting to order at 7:00 p.m. President Wajda led those present in the Pledge of Allegiance.

**ROLL CALL/ESTABLISH QUORUM:**

Members present: Trustees Erbeck, Garcia, Mierisch, Zambetti, Mueller, Mengarelli and President Wajda. Others Present: Village Administrator Ray Keller, Chief Building Inspector John Swedberg, Village Engineer Ed Kanthack, Finance Director Marlene Blocker, Police Chief Mike Joswick, Corporal Todd Block, Administrative Intern Kyle Cratty, Village Attorney Julie Tappendorf and Village Clerk Darlene Mueller. President Wajda declared a quorum present. (See attached list for members of the public).

**MINUTES TO BE CONSIDERED**

The Board reviewed the minutes of the Village Board Work Session Meeting of February 24, 2009; Building/Zoning/Planning/Development Committee Meeting of February 10, 2009; Economic Development Committee Meeting of February 23, 2009; Finance/License/Ordinance Committee Meeting of February 24, 2009 and Parks Committee Meeting of February 3, 2009; Police Department Operations Meeting of February 3, 2009; Public Safety Committee Meeting of February 17, 2009; Public Works Oversight Committee Meeting of February 23, 2009. The following corrections were made for Building/Zoning/Planning/Development Committee; Trustee Erbeck inquired about an action item relative to 130 Meadows Drive. Staff will provide him with the information he requested on a list of the vacant/abandoned houses within the Village. No correction was made to aforementioned minutes. Finance/license/Ordinance Committee, Trustee Garcia wanted the minutes to have more clarification on the Police Department Administrative Assistant's position being an appointed position and not as a "representative or officer of the Village's. Public Safety Committee Minutes, under New Business should state Trustee Erbeck and not Trustee Garcia reported that he saw a vehicle in Arlington Heights that had a CERT team sticker....; Chairman Pro-Tem Mierisch should be changed to Trustee Mierisch. Corrections will be made and the minutes will be on the March 17<sup>th</sup> consent agenda.

**BILLS AND SALARIES TO BE CONSIDERED**

Discussion followed on keeping track of the bills and salaries which will be updated prior to Board approval. Finance Director Blocker was directed to change the title on the Bills and Salaries spreadsheet from "Invoices to be Paid" to "Vendor".

**ITEMS FOR DISCUSSION**

There were not any items for discussion. It was recommended that any action items or other concerns should be forwarded to Administrator Keller to be put on the next agenda for "Items for Discussion".

**STAFF PRESENTATIONS**

Village Administrator

FY 2010 Budget - Administrator Keller presented the FY 2010 budget which begins on May 1, 2009 and runs until April 30, 2010. The FY 2010 budget anticipates a \$228,500 reduction in revenue from what was budgeted in FY 2009. The budget as presented is balanced without any layoff or reduction in services. There being a brief discussion, FY 2010 budget will be on the March 17<sup>th</sup> consent agenda.

Parks Concept Plans

a. Major Park Locations – At the meeting of February 12, 2009, Administrator Keller met with Gilberts Family Branch YMCA and School District 300's Construction Facilities Committee to give their input on a concept plan for future park facilities in Gilberts. Using an overhead projector, three 20-acre

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parcs were recommended: 1. Existing park at Town Center, 2. proposed park north of Gilberts Elementary School, and 3. proposed park adjacent to Timber Trails. Also, future community center adjacent to the elementary school. The park at The Conservancy was relocated north of the Gilberts Elementary School.

Trustee Garcia expressed his concern about realigning a park to the north if the Village had no authority due to the bankruptcy and recommended that it not be included at this time. Administrator explained that this parcel was not in litigation due to the contract lapsing and Mr. Schreiner's property remains entitled in the annexation agreement. Administrator Keller explained that the concept plan expresses our intent and could possibly not even happen. The annexation agreement called for a park in The Conservancy; but the proposed park has not been platted or dedicated to the Village. This would give us an opportunity to relocate it elsewhere.

Trustee Erbeck expressed his uncertainty about a campus at the Gilberts Elementary School and wished to further discuss this concept.

Administrator Keller explained that a good planning practice recommendation was to have parks adjacent to school to cut down external trips people make and have school activities next to the school.

Trustee Erbeck felt there was not enough information to make a decision and agreed with Trustee Garcia.

Trustee Mierisch felt that this subject matter was discussed previously and the Board was provided plans and shown several times and no one gave any opposition.

Trustee Erbeck felt there was no delineation of where we were going to locate the parks but just options and feared that the concept plan would become what it is.

Trustee Zambetti felt although this property was annexed to the Village, he felt there could be many changes to the plan.

After further discussion, the parks will have some type of labeling on the concept plan to distinguish existing and future parks. The park in The Conservancy will be added to the Park Plan Exhibit.

Discussion centered on parks being in wetland.

Administrator Keller assured the Board that parks would not be in the wetlands.

Discussion followed on where park "issues" will be discussed, i.e. staff, task force or the Plan Commission. The Board was in favor of the Plan Commission recommending park sites.

### b. Town Center Park Concept Plan

The Parks Committee, through Signature Design Group, provided a concept plan for the twenty-acre park located at Gilberts Town Center on Columbia Drive and Tyrrell Road. The concept plan include an expandable parking lot, 77 parking stalls which could be expandable; two baseball/softball diamonds; a football field that can also be used for adult soccer; mid-sized soccer field; playground and other amenities. Discussion followed on uses, scheduling problems, overlapping on different program which would have to be worked out.

Trustee Garcia would like four baseball diamonds on the site for more utilization.

Trustee Erbeck discussed other stadiums that have baseball and football fields.

Mrs. Hirschfield, representing the YMCA, felt scheduling and overlapping would be a problem.

Lighting would be included in the overall concept plan which would be an extra cost. Further discussion followed on lighting requirements and drainage. Bike trails are not designed until the constructions drawings are submitted. No formal action was taken on this item.

### c. Town Center Park – Parking Lot Construction Plan/Bid

Staff worked with Signature Design Group to develop and initial phase of a 77 parking stalls to open the park for public use. The property will drain northwesterly and incorporates a bioswale to encourage natural drainage to reduce runoff from the parking lot, minimizing its impact on the stormwater system. The design also incorporates a bioswale to encourage natural drainage.

Trustee Mengarelli questioned the Army Corp involvement.

Administrator Keller wanted to have a complete plan before involving the Army Corp.

Administrator Keller went into detail on the specifications of the parking lot. Staff would also research a grant for this size project. At this particular time, this project would be put out for bid. A simple bid document will be submitted by Attorney Tappendorf. A timeline and penalty clause would be put in the bid document.

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Trustee Garcia recommended the parking lot not be asphalted; leaving it gravel and start constructing actual fields. It would be cheaper to build all 4 fields instead of two fields. It would also depend on the construction plan. We would use the fields for soccer and football until funds are available through grants and/or donations. The parking lot was planned for in the budget and using impact fees to cover the cost. This matter will be further discussed at the March 17<sup>th</sup> Board meeting.

### CY 2009 Recreational Programming Agreements

Gilberts Family Branch YMCA – This agreement marks the start of the third year of a successful partnership between the Village and the YMCA to provide youth recreational programming in the community. Activities include youth baseball, youth soccer, day camp, flag football and baseball and second season of baseball.

Trustee Erbeck expressed his concern that the agreement did not include garbage receptacles.

Ms. Hirschfield requested a dumpster due to the volume of garbage at Memorial Park.

Trustee Erbeck addressed item 8 on page 4 of 5 on the anchoring of post and would like to make sure it cannot physically blow over. Page 2 of 5, item #C3; under Adult Summer Soccer League relative to reservation from June to August. Trustee Erbeck expressed his concern about anyone else other than teams would want to use the field. A schedule of some type was recommended. Trustee Erbeck informed the Board that a third agreement would be forthcoming for the youth and adult summer soccer league.

Administrator Keller will meet with the three groups to sort out the schedule.

Trustee Erbeck noted in the Grizzlies agreement there were two portable pottys and one in the Gilberts Family Branch YMCA. After a discussion, there will be two at the Family YMCA and two at the Grizzlies Youth Football.

Trustee Garcia addressed Page 4 of 5, Item B. There were questions in the paragraph. Administrator Keller stated that portion needs to be deleted. The Board was amenable to the plan and will be on the March 17<sup>th</sup> consent agenda.

### Gilberts Grizzlies Youth Football/Cheerleading

The Grizzlies Youth Football/Cheerleading Agreement has been modeled from the Gilberts Family Branch YMCA. This agreement would formalize the relationship between the Village of Gilberts Grizzlies Youth Football and Cheerleading programs, which are affiliated with the Pop Warner program. The Grizzlies will be playing at Town Center Park in August and September, with their practices in other areas.

Trustee Erbeck described the activities for Gilberts Grizzlies and the national soccer event in June. The Board was amenable to the agreement and will be on the March 17<sup>th</sup> consent agenda. General discussion followed on different sport activities.

### Job Descriptions - Police Officer; Police Corporal; Police Sergeant; Public Administration Assistant; Public Works Coordinator; Updated Organizational Chart.

Administrator Keller updated the job descriptions to match the format used for all other Village positions from the last meeting with the Finance/license/Ordinance Committee.

Trustee Mierisch addressed the Sergeant position, under page 3, number 18 that “equipment and resources” be added at the end of the sentence.

Trustee Erbeck expressed his concern about the MAP contract to be in compliance with our police union contract.

Administrator Keller confirmed that the job descriptions were in compliance with the MAP contract.

Trustee Garcia questioned if the changes were made on the Police Department’s Administrative Position. Administrator Keller stated that #7 was taken out and where the Administrative Assistant is not a representative or officer of the village. The education, training and experience requirements were increased for that position for additional qualifications because of the nature of the job.

Public Works Coordinator description was described by Administrator Keller.

Trustee Mueller asked Administrator Keller to explain why the Public Works Coordinator and Public Works Supervisor was in one box and felt they should not be.

Administrator Keller explained that he envisioned that the Public Works Coordinator and Public Works Supervisor would work together to cover all of the public works activities. Discussion followed on

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the line going across from the Public Works Coordinator/Public Works Supervisor to the Chief Building Inspector.

President Wajda discussed on how efficient the event went on Sunday with the Hennessy Court Bridge situation.

Trustee Garcia felt a mixed message would be sent if they keep both positions in the same box and would like to see the position in their own respective box and reiterated President Wajda discussion of Sunday's event. After a discussion, A Public Works Director box with a notation the position is vacant will be added, add Public Works Coordinator and Public Works Supervisor. The dotted lines will be repositioned on the organizational chart. This item will be on the March 17<sup>th</sup> Agenda for Board review and consideration.

### **Village Attorney**

#### *Eagles' Special Use Permit*

A meeting was held with the Eagles with Administrator Keller, Trustee Mengarelli and Trustee Mierisch. A memorandum of understanding could be drafted relative to inside activities and limiting the outside activities. Concern was discussed that the memorandum of understanding would not be enforceable by the Police Department.

Attorney Tappendorf informed the Board that the Eagles needed to amend their Special Use to change the hours of operation.

Trustee Garcia requested to see any minutes.

Trustee Mierisch stated a minutes taker was not present but could give him bullet points about the meeting.

Administrator Keller did not have the list on hand but recalled limited nights per week; they would be able to use the inside activity beyond the hours of operation.

Trustee Garcia asked if the Eagles were limited to using the outdoor field for recreational activity. Trustee Mierisch stated they were limited to two activities per week.

Trustee Erbeck commented that the Police Department could not enforce an unbinding agreement but only the special use ordinance.

After a discussion on the memorandum of understanding, it was decided Administrator Keller will convey this information to the Eagles for their consideration.

### **Village Engineer**

#### *Gilberts Town Center Unit 1A Bond Reduction*

Ryland Homes has requested a reduction in their subdivision bond for Unit 1A of the Gilberts Town Center development from their original bond of \$3,933,428.27 to \$372,553.17. A one-year warrantee bond of \$357,584.12.

President Wajda informed the Board that the deficiency list dated January 28, 2009 was not attached to the memo.

Trustee Garcia stated at a Public Works meeting Todd Grawronski representing Ryland Homes was asked if Ryland Home was replacing 100 trees in Gilberts Town Center and Mr. Grawronski stated no.

Administrator Keller asked Chief Building Inspector Swedberg if Mr. Grawronski had a follow-up comment.

Chief Building Inspector Swedberg confirmed the statement saying it was an emphatic no.

Trustee Garcia stated "to replace 100 trees would cost on an average of \$325.00 per tree."

Discussion followed on accepting the bond reduction during unusual weather we experienced this winter.

Trustee Zambetti discussed his concern about the landscaping and trees not being inspected by an arborist and not aware of what trees were healthy or not healthy and spoke about the incident we had in Timber Trails with the ash borer situation and the Village hired an arborist. Trustee Zambetti felt the Village was going into the bond reduction with blinders on without an arborist. The Village will only hold 10% of the bond for tree replacement and Trustee Zambetti is asking to have an arborist before accepting this bond amount since there is nothing growing at this time.

Trustee Garcia expressed concern about the curbs and gutters and stated he had a discussion with President Wajda and John Luczynski of Ryland Homes.

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Trustee Garcia stated there were definite issues on curb and gutters and basically he looked at me in front of President Wajda and stated "you don't want to open a Pandora's box". Trustee Garcia would like a five year warranty agreement instead of a one year warranty agreement.

Engineer Kanthack stated after one year there is another walk through inspection. A cursory review of the subdivision for broken sidewalk, dead trees, curbs and gutter, etc., will be inspected for repair work to be done by the developer before the one year bond is returned to developer.

Trustee Erbeck asked Attorney Tappendorf what leeway the Village had to wait until summer to be able to make a final inspection and not have any resident issues.

Attorney Tappendorf stated it depended on the language in the annexation agreement or subdivision code. That language would dictate what standards are for accepting it and if the work is completed. If the developer has contacted the Village and the work is completed, it would be very difficult for the village to extend the warranty agreement.

Attorney Tappendorf stated the Village may be able to delay portions of the project if Village Engineer or staff cannot make a determination if the project is complete and the Village can accept portions that would be acceptable.

Engineer Kanthack recommended deleting the acceptance of the parkway trees due to the weather which would leave a larger survey bond for them to maintain.

President Wajda felt it was important to have the deficiency list to clearly identify the remaining work and location and commented about bad weather this past month.

Trustee Mueller commented if the roads were inspected recently and in the future make sure we have inspection performed at the right time of the year.

Trustee Garcia stated to Engineer Kanthack "your firm has obviously been paid to evaluate, test, look and oversee projects on the Village's half, and at the end of the one year period, and the Village is on the hook for any thing else that transpires; for instance, we see a sidewalk collapse, is your engineering firm responsible for any of that.

Engineer Kanthack stated "no, the developer is".

Trustee Garcia then stated your engineer recommends that we go with a one year warranty with the developer. Is that correct?

Engineer Kanthack commented "yes".

Attorney Tappendorf explained if the Village accepts the improvements, upon acceptance, the Village is responsible for all the improvements. The one-year warranty time is in the annexation agreement, which binds the Village. Future agreements, however, could impose a longer warranty term, such as two years.

Trustee Mueller advised on any future agreements, the Village should make sure to schedule inspections at the right time of the year.

After a discussion, President Wajda requested Engineer Ed Kanthack to forward the deficiency list to the Board. There was no action taken on this matter.

### Hennessy Court update

Engineer Ed Kanthack advised the Board that there was additional settling on the south side of the road. Repairs have been made and the road was open to the residents.

Chief Building Inspector Swedberg gave a timeline of what happened and Administrator Keller showed photographs on the overhead projector with Chief Building Inspector Swedberg explaining what has occurred and said the residents were wonderful to work with. Chief Building Inspector Swedberg stated he kept everyone informed of the situation.

Engineer Ed Kanthack submitted a letter on considerations, options, and recommendations for the culvert and road failure. Engineer Kanthack said there were federal grant out there that cover 80% of the project and the Village would cover 20%. Phase I and II engineering is needed for the funding application which would cost approximately \$50,000.00. The funding applications will need to be submitted by July 1, 2009 to be eligible for distribution this year. Permitting is required with IDOT and the Army Corp of Engineers. The bridge needs to be registered with the State to be eligible for funding. Engineer Ed Kanthack explained each option to the Board. After a discussion, Engineer Ed Kanthack recommended immediate replacement of some of existing culvert pipes and replacing with the same product that is there now. The culvert would have a 50 year life span. The culvert pipe can be delivered in three to five days with an estimated cost of \$50,000.00. There is a possibility that two culverts pipe needed to be replaced. The road will then be rebuilt. Phase I and Phase II will be done and permitting will

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be processed and funding will be processed. The next step would be to install a permanent structure will be a box-culvert costing approximately \$300,000 to \$500,000. If the Village installs a bridge, the Village would not be eligible for the funding. Engineer Ed Kanthack stated there is no guarantee for the funding, but Baxter and Woodman has had a good success rate in the past of obtaining funding.

Trustee Garcia recommended just building a bridge and eliminating the culverts to have a normal flow, avoiding deterioration. Determining factors are the soils to determine what we can use. Trustee Garcia felt because of the force of the water that there was not much time before it totally collapse.

Engineer Ed Kanthack felt that before any determination can be made, an investigation needs to be made. Periodic reports will be given to the Board. Trustee Garcia did not agree with implementing the temporary repair project and recommended that the Village do it right the first time because he felt the bridge was going to collapse. It was explained that permanent repair could entail over a years time due to first going through the permitting process. The emergency process you repair first and then do the permitting which was felt would be cheaper. Discussion followed on permitting requirements after a determination is made. There was no action on this matter.

### **Village Clerk**

Clerk Mueller had no report at this time.

### **Finance Director**

There being no comment, the Board was amenable to forward the Treasurer's Report for February 2009, Designated vs. Undesignated Funds, and Engineering and Legal Update to the Board meeting on March 17<sup>th</sup>.

Trustee Garcia and Trustee Mengarelli requested to have Attorney Tappendorf add hours to her confidential report. Attorney Tappendorf noted that detailed descriptions and hours are included on Ancel Glink's invoices. Discussion followed on keeping track of the legal fees relative to court cost for reimbursement and legal cost for administrative hours. After a discussion, Finance Director Blocker will add an extra column and add the hours on the legal and engineering update report.

### **Chief Building Inspector / Public Works**

#### State contract purchase

Two 2009 Ford F550 4x2 trucks including stainless steel beds totaling \$152,698.00 has been requested by Public Works. The trucks would be financed over a five year period at 3.5% interest. Chief Building Inspector Swedberg discussed the purchase of the two (2) Ford 550 trucks under the 2009 State contract. The two trucks would be equipped with stainless steel beds and snowplows, giving the Village a total of four serviceable trucks that could both plow and distribute road salt.

Chief Building Inspector Swedberg explained that the first vehicle would replace a year 2000 truck with over 50,000 miles. The Village has spent over \$13,000 in material and labor. The second truck would be used to apply road salt and would be a more reliable vehicle. Lengthy discussion followed on obtaining an outside proposal of possibly saving additional money due to the economic conditions. It was the consensus of the Board to consider the state contract after receiving additional proposals.

Administrator Keller advised the Board that Staff may find a better cost but may not get exactly the vehicle that we have specifications for. The color of the vehicle may be an issue.

### **Police Chief**

Chief Joswick informed the Board that Fire Chief Thomas will be part of the leadership team for the Pandemic Plan. Chief Joswick stated to contact him if anyone on the Board wanted a disc or a paper copy.

Trustee Mierisch requested the Pandemic Plan as a paper copy.

Chief Joswick informed the Board of the graduation from the police academy on Thursday night for the new part time police officers.

Trustee Erbeck stated he missed getting Corporal Block's weekly report.

Chief Joswick directed Corporal Block to forward his weekly report to the Board.

### **BOARD OF TRUSTEES REPORTS**

Trustee Garcia commented on the long period of time to go through tonight's agenda, but did not see any cost saving since we have all of our employees here but would see how future meetings occur.

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Trustee Erbeck stated he felt fully educated. This format would allow all Board members to speak.

### **PRESIDENT'S REPORT**

President Wajda had no report at this time.

### **EXECUTIVE SESSION**

The Board did not go into Executive Session at this time.

Trustee Garcia asked if President Wajda wanted to discuss an issue relative to Pingree Grove. President Wajda stated there is a group investigating the Governor gathering information from a lot of resources and the U.S. Attorney advised him not to pass the information along. Trustee Garcia wanted it on the record that "US Attorney's office has contacted President Wajda and that he is not allowed to share the information transpiring throughout the Village Board."

### **ADJOURNMENT**

There being no further business, a motion was made by Trustee Mengarelli and seconded by Trustee Zambetti to adjourn the meeting. Roll call: Vote: 6 ayes, (Trustees Erbeck, Zambetti, Mierisch, Mengarelli, Mueller and Garcia), 0-nays, 0-absent and 0-abstain. Motion carried. Adjournment time: 10:20 p.m.

Respectfully submitted,

Darlene Mueller, Village Clerk