

**VILLAGE OF GILBERTS  
VILLAGE BOARD MEETING**

**January 20, 2009**

**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 Mierisch, Zambetti, Mueller, Garcia and President Wajda. Absent: Trustees Erbeck and Mengarelli. Others Present: Village Administrator Ray Keller, Finance Director Marlene Blocker, Police Chief Mike Joswick, 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).

**PUBLIC COMMENT AND DISCUSSION**

Resident and President of Timber Trails Villas Homeowners Association, Christine Erbeck, approached the Board on the status of Briarwood and Regent Drives. Administrator Keller explained that he had just recently received a proposal from EEI Engineering to review the soils report and all documents. EEI will do a site visit and make a presentation to the Board on their findings. Administrator Keller forwarded a copy of the soils report to John Luczynski at his request.

**EXECUTIVE SESSION TO ADDRESS PENDING LITIGATION.** – The Board had no litigation to discuss at this time.

**APPROVAL OF MINUTES:**

**A motion was made by Trustee Mierisch and seconded by Trustee Zambetti to approve the Village Board meeting minutes of January 6, 2009.** Roll call: Vote: 4-ayes (Trustees Garcia, Mierisch, Zambetti, and Mueller), 0-nays, 0-abstained, 2-absent (Trustee Erbeck and Mengarelli). Motion carried.

**APPROVAL OF BILLS AND SALARIES:**

**A motion was made by Trustee Mueller and seconded by Trustee Garcia to approve the amended payment of bills as pursuant to the list dated 1/20/09 and presented to the Trustees prior to the meeting as follows: General Funds \$37,461.98, Developer Donations \$-0-, Permit Pass Thrus \$1082.50, Performance Bonds and Escrows \$660.00; Water Fund \$86,348.39; and Payroll \$61,304.97.** Discussion followed on certain vendors. Roll call: Vote: 4-ayes (Trustees Garcia, Mierisch, Zambetti, and Mueller), 0-nays, 0-abstained, 2-absent (Trustee Erbeck and Mengarelli). Motion carried.

**ORDINANCES/RESOLUTIONS/PROCLAMATIONS/MOTIONS TO BE CONSIDERED**

**A motion was made by Trustee Mueller and seconded by Trustee Mierisch to approve the Village Treasurer's Report for December 2008 for Filing.** There being no additional discussion, President Wajda asked for a roll call. Roll call: Vote: 4-ayes (Trustees Garcia, Mierisch, Zambetti, and Mueller), 0-nays, 0-abstained, 2-absent (Trustee Erbeck and Mengarelli). Motion carried.

**A motion was made by Trustee Zambetti and seconded by Trustee Mierisch to waive a \$150.00 citation fee for Tom and Michelle Sparks, 217 Red Hawk Path.** Administrator Keller explained Mr. & Mrs. Sparks were cited for parking a motor home in front of their home and parking a trailer to transport ATV's on their driveway which violates the Indian Trails Covenants and Restrictions. This matter was discussed at the B/Z/P/D meeting. Mr. & Mrs. Sparks after reading the covenant felt the word "storage" was vague in the covenants and restrictions. Mr. & Mrs. Sparks submitted receipts from Community Self Storage in Gilberts where they were storing their trailer. The B/Z/P/D Committee recommended waiving Mr. & Mrs. Sparks' fine of \$150.00. No agreement was granted on Mr. & Mrs. Sparks request to have 48 hours to clean her RV and trailer before and after using the RV. It was the consensus of the Board that

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they will be fined again if they violate the covenants. Administrator Keller explained that the Village is charged to enforce the covenants and restrictions in Indian Trails. The Homeowner Association needs to amend their covenants to correct or clarify what the exact meaning of "storage" is. The Village does not have the power to change the covenants, the homeowners association does. Roll call: Roll call: Vote: 4-ayes (Trustees Garcia, Mierisch, Zambetti, and Mueller), 0-nays, 0-abstained, 2-absent (Trustee Erbeck and Mengarelli). Motion carried.

**A motion was made by Trustee Mierisch and seconded by Trustee Zambetti to reduce a citation fee from \$750.00 to \$75.00 for Robert Braico, 36 Center Drive.** Administrator Keller explained Mr. Bob Braico, owner of the property at 36 Center Drive, received a citation for not properly screening trailers observed on his property. Mr. Braico removed a couple of older trailers and a cement mixer assuming that the Village wanted those items removed from sight. The matter was discussed at the B/Z/P/D Committee and Mr. Braico stated he was not aware that trailers were considered outside storage and not allowed in an industrial area. Further discussion followed on this matter. Trustee Garcia felt that the citation was very detailed on what the violation was for. Roll call: Vote: 3-ayes (Trustees Mierisch, Zambetti, and Mueller), 1-nay (Trustee Garcia), 0-abstained, 2-absent (Trustee Erbeck and Mengarelli). Motion carried.

**A motion to approve Resolution #09-06R, Approving and Authorizing the Execution of a Certain Intergovernmental Agreement by and between the Village of Gilberts and the Village of Hampshire for Telecommunication Services.** Administrator Keller explained that the Village received a proposal from Call One providing a service to reduce our telecommunication rate, saving the Village \$6,378.00 per year. In order to take advantage of this reduction, a three year commitment was required. The Village being a non-home rule could not make this commitment alone and Staff researched this commitment and contacted the Village of Hampshire and came up with an intergovernmental agreement. This matter went before the Finance/License/Ordinance Committee which reviewed an older proposal that had a savings of \$5,000.00. With the new proposal, the Village is able to save \$6,378.00 per year. Trustee Garcia expressed his concern about Call One not being part of AT&T's infrastructure. Finance Director Blocker explained that she had contacted three other municipalities and received good reports about Call One from and she knew of other municipalities that are also utilizing Call One. Roll call: Roll call: Vote: 4-ayes (Trustees Garcia, Mierisch, Zambetti, and Mueller), 0-nays, 0-abstained, 2-absent (Trustee Erbeck and Mengarelli). Motion carried.

**A motion was made by Trustee Mueller and seconded by Trustee Mierisch to approve Resolution #09-04R, Authorizing Borrowing from Union National Bank.** Administrator Keller explained the purpose of this resolution is to allow the Village to finance two of the three police cars that were ordered earlier in the fiscal year. Roll call: Vote: 4-ayes (Trustees Garcia, Mierisch, Zambetti, and Mueller), 0-nays, 0-abstained, 2-absent (Trustee Erbeck and Mengarelli). Motion carried.

**A motion was made by Trustee Zambetti and seconded by Trustee Mueller to approve Resolution #09-05R, adopting a Water Shut-Off Policy for the Village of Gilberts.** Administrator Keller explained approval this Resolution would establish a policy that would protect residents with documented medical conditions from discontinued water service due to non-payment. Roll call: Vote: 4-ayes (Trustees Garcia, Mierisch, Zambetti, and Mueller), 0-nays, 0-abstained, 2-absent (Trustee Erbeck and Mengarelli). Motion carried.

**A motion was made by Trustee Mierisch and seconded by Trustee Mueller to approve Ordinance #09-02, Amending the Amended and Restated Village Code 2006 of the Village of Gilberts, Illinois, Section 14 "Village Fee Schedule," Paragraph 14.10 "Zoning Fee Schedule."** Administrator Keller explained approval of this proposed ordinance would update the fee schedule for zoning and development-related petitions. Staff researched neighboring communities for zoning petitions and found the Village's fee schedule was last updated in 1981 which is considerably lower than other communities. This matter was discussed at the Finance/License/Ordinance Committee and recommended approval of

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the proposed fee schedule. Roll call: Vote: 4-ayes (Trustees Garcia, Mierisch, Zambetti, and Mueller), 0-nays, 0-abstained, 2-absent (Trustee Erbeck and Mengarelli). Motion carried.

### **REPORTS FROM CONSULTANTS, OFFICERS, BOARDS, COMMISSIONS**

Village Administrator – Administrator Keller updated the Board on the Com-Ed transmission line issue. On January 2, the Kreutzer Road property owners party filed a petition for review with the 2<sup>nd</sup> District Appellate Court to review the October 8, 2008 Final Order of the Commerce Commission. Administrator Keller is working with our attorneys and will update the Board on any new development.

Administrator Keller discussed organizations requesting information about “shovel ready” projects that could be started within six months of the passage of a federal public works-economic stimulus program. Staff has provided information about Wells 5 & 6, Water Treatment Plant #2, and the water, sewer and road improvements for the industrial park. Administrator Keller will update the Board as this program progresses.

Village Engineer – Village Engineer Ed Kanthack was absent but had submitted his status report for the Board's review.

Village Attorney – Attorney Tappendorf had no report at this time.

Village Treasurer – Finance Director Blocker reported that Administrative Intern Cratty and she will be attending a meeting with the Illinois Municipal Retirement Fund relative to Employer's Rate in Rockford. Finance Director Blocker invited the Board to attend; if there was an interest, to let her know.

Village Clerk – Clerk Mueller had no report for the Board at this time.

Village Planner – There is no report at this time from our Village Planner.

Police Chief – Chief Joswick had no report at this time and submitted his weekly memo.

Chief Building Inspector - Chief Building Inspector Swedberg had no report at this time.

Plan Commission Chairperson – Chairman Cullotta had no report at this time

Police Commission Chairperson – Chief Joswick updated the Board on the police candidates. The Police Commission is meeting tomorrow night to discuss the pros and cons of the results of the hiring process of police officers.

### **REPORT FROM TRUSTEES AND VILLAGE PRESIDENT**

Trustee Mierisch reported in Trustee Erbeck's absence at the Public Safety Meeting. New Identification cards have been received and Trustee Mierisch requested that they return their old ID cards to the Police Department as soon as possible.

Trustee Zambetti expressed his frustration on having to recap discussion on citations at the Board level from a Committee meeting. He felt that all the communications that were held at the B/Z/P/D Committee meeting were not all discussed at a Board level due to not having Staff and people present that were involved in the matter. Discussion followed on the role of the Committee and if a decision should be at the Committee or Board level. Trustee Zambetti is looking for an answer to this situation at next week's meeting.

Trustee Garcia reported at the Public Works Oversight meeting on moving forward on the maintenance of Well #3. The rebuilding of the pump would not exceed \$60,000.00, comparing it with the last pump at Well #4. In case the motor has to be replaced or rewound, the cost would not exceed \$85,000. This cost is not being anticipated if the maintenance is similar to Well #4. Administrator Keller will submit formal quotes to the Board on February 3<sup>rd</sup> cost coming out of the Water Fund.

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President Wajda attended a meeting on January 5<sup>th</sup> with the Tyler Creek Water Shed group. They are asking for Elgin, Pingree Grove and Gilberts' participation with a representative attending on a regular basis. The group will meet and make recommendations on maintaining and enhancing the water shed corridor. President Wajda is looking for someone who may be interested in attending the meetings.

### EXECUTIVE SESSION TO ADDRESS PERSONNEL

**A motion was made by Trustee Garcia and seconded by Trustee Mueller to close a portion of the meeting to be closed to the public, effective immediately with no business to follow as permitted by 5 ILCS 120/2(c) (1) to discuss the appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the Village.** . Roll call: Vote: 4-ayes (Trustees Garcia, Mierisch, Zambetti, and Mueller), 0-nays, 0-abstained, 2-absent (Trustee Erbeck and Mengarelli). Motion carried. The Board recessed and went into Executive Session at 8:15 p.m; and returned to the public meeting at 8:39 p.m.

**A motion was made by Trustee Mueller and seconded by Trustee Garcia to reconvene to the public meeting.** Roll call: Vote: 4-ayes (Trustees Mierisch, Garcia, Zambetti, and Mueller), 0-nays, 0-abstained, 2-absent (Trustee Mengarelli and Erbeck). Motion carried.

President Wajda asked for a roll call from Clerk Mueller. Clerk Mueller called the roll with all Board Members present at the public meeting.

There being no further business, **a motion was made by Trustee Mueller and seconded by Trustee Garcia to adjourn the meeting.** Roll call: Vote: 4-ayes (Trustees Garcia, Mierisch, Zambetti, and Mueller), 0-nays, 0-abstained, 2-absent (Trustee Erbeck and Mengarelli). Motion carried. Adjournment time: 8:39 p.m.

Respectfully Submitted,

Darlene Mueller, Village Clerk